

ATTACHMENT 1

Description of actions commonly taken by the Board.

- ◆ Recommend a position. This means the Board is adopting a position on pending legislation. Commonly used positions are:
 - ◆ **Support.** This indicates that the CIWMB unconditionally supports the legislation.
 - ◆ **Support if amended.** This indicates that the CIWMB supports the legislation, provided it is amended. If the author of the legislation does not accept the amendments, the CIWMB will not have a position and may re-evaluate the bill to determine if another position is warranted.
 - ◆ **Oppose.** This indicates that the CIWMB unconditionally opposes the legislation – that is, that no amendments are available to remove the CIWMB's concerns.
 - ◆ **Oppose unless amended.** This indicates that the CIWMB opposes the legislation until appropriate amendments are made to address the CIWMB's concerns. If the CIWMB amendments are taken, CIWMB will not have a position for the bill and may re-evaluate the legislation.
 - ◆ **Neutral.** This indicates that the CIWMB is neutral position regarding the legislation because the bill does not impose any policy or fiscal impacts of concern to the CIWMB's policies or programs.
 - ◆ **Neutral if amended.** This indicates that the CIWMB is neutral regarding the legislation but nonetheless requests amendments (usually minor, technical changes).
 - ◆ **Defer to another agency.** This indicates that the CIWMB believes that another agency should more appropriately adopt a position on the bill.
- ◆ Re-refer to Legislation and Public Education Committee. This means that the CIWMB wishes LPEC to re-examine the bill.
- ◆ No position. When the CIWMB is not able to agree on a motion, with the votes of at least four members, the CIWMB has no position on the measure in accord with Public Resources Code §40410.

Board	Author	Bill Number
California Integrated Waste Management Board	Migden	AB 1799
Sponsor	Related Bills	Date Amended
City and County of San Francisco	SB 1018 (Leslie) SB 1330 (Lockyer)	March 16, 1998

BILL SUMMARY

AB 1799 would increase fines and penalties in the State Penal Code for unlawful dumping of solid waste matter.

BACKGROUND

The author is carrying this bill at the request of the City and County of San Francisco which reported that their jurisdictions, along with many other local government agencies around the state and the country, cannot keep pace with the growing incidents and volume of illegally dumped materials

According to the author, "Large quantities of garbage, particularly commercial quantities of roofing material and large household items, are being dumped on the sidewalks of our neighborhoods and on the roadsides of our rural communities. These items pose a significant health and safety threat to our communities and cause preventable deterioration to our neighborhoods and scenic landscapes. Fines and punishment for these activities must be strong in order to deter such dumping. AB 1799 will force would-be violators to think twice before treating our neighborhoods like dumpsters."

RELATED BILLS

SB 1018 (Leslie) of 1997 would have amended the Civil Code to relieve private property owners of liability for the cost of cleanup, or of any duty to provide such cleanup, in any case involving illegal dumping or littering of waste material on private property located adjacent to a public road, highway, or right-of-way with the consent of the private property owner. The measure died in the Senate Judiciary Committee without being heard. The CIWMB did not take a position on SB 1018.

Departments That May Be Affected		
Committee Recommendation	Committee Chair	Date
Support		9-5

Chapter 875, Statutes of 1997, (SB 1330 Lockyer), requires the California Integrated Waste Management Board to establish, on or before January 1, 1999, a grant program for cities and counties for purposes of cleaning up and abating illegally disposed of solid waste on farm or ranch property. The CIWMB took a "support" position on SB 1330.

Chapter 737, Statutes of 1994, (SB 1450 Hughes), established the definition, penalties and fines for dumping "commercial quantities" of waste matter by an individual or business. The CIWMB took a "support" position on SB 1450.

EXISTING LAW

Current law:

1. Prohibits any person from dumping or causing to be dumped any waste matter, including rocks or dirt, in or upon any public or private highway or road, without the consent of the owner, or in or upon any public park or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property. Each day that waste remains in violation of this section is a separate infraction, punishable by:
 - a. Mandatory fines of \$100 to \$1,000 for the first conviction; \$500 to \$1,000 for the second conviction; and \$750 to \$1,000 for the third or subsequent conviction. Fines shall be doubled if the waste matter dumped was used tires.
 - b. Penalties:
 - i. The court may require, in addition to any fine, as a condition of probation, the offender to remove or pay the cost of removing any waste matter the offender dumped or caused to be dumped on public or private property.
 - ii. Except when the court requires the convicted person to remove waste matter which he or she is responsible for dumping, the court may require as a condition of probation, in addition to any other condition of probation, that the person pick up waste matter at a time and place within the jurisdiction of the court for not less than eight hours. (Penal Code Section 374.3)
2. Defines "commercial quantities" as an amount of waste matter generated in the course of a trade, business, profession, or occupation, which does not apply to the dumping of household waste at a person's residence. (Penal Code Section 374.3)
3. States that dumping of commercial quantities is a misdemeanor, punishable by imprisonment in a county jail for not more than six months and a mandatory trebled fine as follows:
 - a. First conviction: When trebled, not less than \$300 nor more than \$1,000.
 - b. Second conviction: When trebled, not less than \$1,500 nor more than \$3,000.

- c. Third or subsequent conviction: When trebled, not less than \$2,250 nor more than \$3,000. (Penal Code Section 374.3)
4. Prohibits any person from maliciously discharging, dumping, releasing, or otherwise depositing; to maliciously cause to be discharged, dumped, released or otherwise deposited any substance capable of causing substantial damage or harm to the operation of a public sewer sanitary facility; or to deposit in commercial quantities any substance, into a manhole, cleanout, or other sanitary sewer facility, not intended for use as a point of deposit for sewage without written authorization. (Penal Code Section 374.2.)
 5. Prohibits any person from littering or causing objects or substances to be littered in or upon any public or private property. (Penal Code Section 374.4.)
 6. Prohibits any person from littering or dumping any waste matter into any body of water, or bank, beach, or shore within 150 feet of the high water mark of any stream or body of water. (Penal Code Section 374.7.)
 7. Prohibits any person from depositing any hazardous substance into or upon any road, street, highway, alley, or railroad right-of-way, or upon the land of another, without permission of the owner, or into the waters of the state. (Penal Code Section 374.8.)
 8. Establishes specific penalties for each violation of #4-7 above, including fines, imprisonment in county jail, and community service.

ANALYSIS

AB 1799 would:

1. Increase the penalties for dumping or causing to be dumped any waste matter in or upon any public or private highway or road, specified private property, or in or upon any public park or public property other than property designated for that purpose, an infraction, as follows:
 - a. Increases the mandatory minimum fine upon first conviction from \$100 to \$250.
 - b. Increases the mandatory maximum fine upon third or subsequent conviction from \$1,000 to \$2,500.
2. Increase the number of hours that a court may order a defendant to pick up waste matter as a condition of probation from 8 to 12.
3. Add to the definition of commercial quantities of waste matter to include "any amount equal to or in excess of one cubic yard."
4. Increase the penalties for dumping commercial quantities of waste matter, a misdemeanor, as follows:

- a. Mandatory fine, when trebled, of not less than \$500 nor more than one \$1,500 upon a first conviction (instead of \$300 to \$1,000.)
- b. Mandatory fine, when trebled, of not less than \$2,750 nor more than \$4,000 upon a third or subsequent conviction (instead of \$2,250 to \$3,000.)

COMMENTS

CIWMB-Funded Cleanups of Disposal Sites. Potentially, AB 1799 could reduce the future need for CIWMB-funded cleanups of illegal disposal sites due to greater enforcement and deterrence. The CIWMB's Solid Waste Disposal and Codisposal Cleanup Program, created by Chapter 655, Statutes of 1993 (AB 2136 Eastin), was enacted to remediate solid waste at sites where cleanup is needed to protect public health and safety and the environment and where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation. The CIWMB approved guidelines for cleanup of sites through matching grants to local governments, loans to responsible parties and local governments, grants to local enforcement agencies (LEAs), and direct site cleanups using CIWMB-managed contracts. Since inception of the program, the CIWMB has approved \$5,135,000 for CIWMB-managed remediation of 29 illegal disposal sites and \$2,296,000 for LEA grants to clean up multiple illegal disposal sites within their jurisdictions.

Definition of "Commercial Quantities." This bill further clarifies the definition of "commercial quantities" of waste matter. The current definition, "an amount of waste matter generated in the course of a trade, business, profession, or occupation" could refer to one bag or one ton of waste, depending on the trade, business, etc. According to the author, "an amount equal to or in excess of one cubic yard" equates to approximately eight 33-gallon trash bags or about 500 pounds (depending on the contents), and, as written, applies equally to individuals and businesses. However, it should be noted, pursuant to this subdivision, that the quantity restriction does not apply to household waste left by a property owner at his or her residence.

Scope of the Problem. A March 1997 article in the San Francisco Chronicle reported illegal dumping statistics from several California cities and counties:

- San Francisco's city public works crews picked up 40,000 tons of junk, or the equivalent of 4,000 truck loads, illegally dumped by residents and businesses, at a cost of \$16 million. This included 8,000 tons of heavy debris such as refrigerators, furniture and roofing materials.
- Sacramento spends \$500,000 per year cleaning up illegally dumped materials.
- Oakland picks up 1,500 cubic yards of couches, mattresses and other debris every month.
- Mendocino County spends \$50,000 annually for cleanup, and received a grant from the state of \$500,000 toward further cleanup efforts.

--Riverside County officials estimate that they have more than 200 unauthorized dump sites of varying sizes and that only the largest 30 sites are being cleaned up with the \$275,000 in funding provided by the California Integrated Waste Management Board (CIWMB).

Causes and Enforcement Issues. A combination of factors are responsible for the increasing number of illegal dump sites, the cost of cleaning them up, and the ability of local agencies to prevent repeat violations:

--There are statewide approximately 590 permitted, active solid waste facilities in California, and about 90% of those facilities are accessible to the public for depositing solid waste. Offenders not wanting to travel to the nearest facility simply dump the waste illegally. This is often cited as a critical problem in areas (both urban and rural) such as San Francisco, where there are no landfills located within city limits. Five counties were surveyed for the number and type of facilities available:

County	Landfills	Transfer Stations	MRF/TS*
San Francisco	0	1	0
Riverside	7	2	1
Mendocino	3	5	0
Los Angeles	11	6	3
San Diego	6	11	0

*Material Recovery Facility/Transfer Station

--The cost of depositing waste at authorized sites varies considerably statewide and are determined by factors that include the type and weight of the materials, the category of waste facility, and whether or not the material is compacted. Officials cite high fees, particularly for commercial waste loads that tend to be heavier in weight, as a reason given by offenders for not using authorized sites. The following average fees are from the CIWMB's December 1997 survey of tipping fees for selected facilities or all facilities in specific counties:

Facility/County	FEE PER TON		FEE PER CUBIC YARD	
	Comp*	NonC+	Comp*	NonC+
San Francisco Transfer/Recycle Center	----	\$60.13	----	----
Riverside County	\$28.11	\$28.75	----	----
Mendocino County	\$68.25	\$64.50	\$29.75	\$15.00
Los Angeles County	\$35.91	\$32.40	\$10.00	\$10.00
San Diego County	\$37.53	\$37.60	----	----

*Compacted +Noncompacted

STATEWIDE	FEE PER TON		FEE PER CUBIC YARD	
	Comp*	NonC+	Comp*	NonC+
Lowest	\$ 3.50	\$ 2.14	\$ 3.50	\$ 1.00
Highest	\$83.00	\$37.90	\$85.30	\$20.00
Median	\$36.00	\$ 7.45	\$33.00	\$ 7.45
Average	\$39.12	\$11.54	\$38.26	\$ 9.43
Weighted Average (Landfills Only)	\$32.82	\$12.27	\$28.01	\$10.52
Weighted Average (All Facilities)	\$34.41	\$12.15	\$29.82	\$10.29

*Compacted +Noncompacted

--The average weight of loads delivered to waste management facilities generally varies depending on the type of vehicle delivering the waste. As reported by the Riverside County Waste Resources Management District, weights of average loads delivered to landfills in Riverside County include 0.06 tons for cars or station wagons (noncompacted); 0.25 tons for vans, pickups, or two-wheel trailers (noncompacted); 9.25 tons for an 18-wheel tractor/trailer (noncompacted); 8.28 tons for a front-end loader, commercial waste hauler (compacted); 4 tons for a rolloff/truck commercial waste hauler (noncompacted); 5.44 tons for rolloff/truck commercial waste hauler (compacted); and 6.24 tons for rear/side commercial waste hauler (compacted).

--Typical fines for citations issued range between \$75 and \$135, or lower; low enough, officials contend, to cause violators to ignore or simply pay the citations instead of paying the cost of travel and fees at local dumps. Due to the various court record-keeping systems, it is difficult for counties to establish exactly how many offenders are dumping or patterns of repeat offenders.

--Riverside and San Francisco County officials point to the difficulty in apprehending and citing individuals or corporations which are illegally dumping materials during the night and in isolated areas. Riverside County Building and Safety's weekly patrols in Fiscal Year 1996/97 netted only 50 tickets for violations.

--Several jurisdictions report that they attempt to make the public aware of local and state statutes regarding unlawful dumping in an effort to deter these activities. Local programs include recycling education fairs, offers to waive fees at waste facilities, free pickup of heavy, discarded objects or materials, inserts in refuse bills, and school programs.

--Enforcement actions against the owner or tenant of any premises, business establishment or industry for incidents of nuisance dumping may be dealt with under the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5, Section 17331 (Frequency of Refuse Removal – removal required after seven days, except under specific circumstances). In addition, local codes or ordinances or Penal Code Section 374 et seq. may be available to deal with

incidents of nuisance dumping. The local district attorney should be contacted to determine the appropriateness and applicability of prosecution under the Penal Code in such incidents.

--Absent data on who the offenders are, where the materials originate and proximity to authorized dump sites, local governments cannot conclusively determine why appropriate landfill and recycle facilities are not being used.

LEGISLATIVE HISTORY

AB 1799 was introduced on February 10, 1998. It passed the Assembly Public Safety Committee (6-0) on March 24, 1998, the Assembly Floor (78-0) on March 30, 1998, and has been referred to the Senate Public Safety Committee (no hearing date set).

Support: City and County of San Francisco
 Norcal Waste Systems, Inc.
 Planning and Conservation League
 California Conference of Directors of Environmental Health
 Bayview/Hunters Point Business and Merchants Association
 Southeast Alliance for Environmental Justice
 Riverside County
 Mendocino County
 El Dorado County
 San Francisco Clean Coalition

Supporters argue that the increased fines and community service hours and specified quantity of commercial waste will serve as a deterrent to those individuals and businesses that continually dump solid waste products and encourage these violators to use appropriate waste facilities. In addition, the penalties will serve as an incentive to local governments to vigorously enforce cleanup and dumping ordinances.

Opposition: None on file

FISCAL AND ECONOMIC IMPACT

To the extent that AB 1799 results in increased enforcement and deterrence, requests for CIWMB-funded cleanups of illegal disposal sites would likely decline. Any reduction in expenditures for CIWMB-funded cleanups of illegal disposal sites would likely permit the CIWMB to fund other high priority cleanup projects.



LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

REVISED BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Bowen	AB 2432
Sponsor	Related Bills	Date Amended
Author		April 13, 1998

BILL SUMMARY

AB 2432 would provide, on or before January 1, 2000, that the Department of General Services (DGS) require all design and architectural plans for construction or renovation of State Buildings to include energy efficiency, recycled materials and the conservation of public resources. Additionally, the bill would require DGS to calculate the long-term and short-term energy costs of the project, as specified, and adopt appropriate regulations on or before July 15, 1999, to implement these provisions.

BACKGROUND

According to the author, private contractors and developers may be hesitant to use certain "green" materials or "green" building methods because they are unfamiliar with the material or believe the material is untested. The author believes that by calling on the State to lead the way in "green" building (via AB 2432), the State will provide a taxpayer benefit through more inexpensively operated State buildings and would simultaneously help to develop markets for recycled, recyclable and environmentally friendly materials.

Definition of a "Green" Building. According to the United States Environmental Protection Agency (U.S. EPA), a "green" building is a building that is "environmentally friendly." It has been designed to reduce both the direct and indirect environmental consequences associated with its construction, occupancy, operation, maintenance and eventual decommissioning. The construction and/or renovation of "green" buildings, can include, but is not limited to, the following elements:

- Use of certified sustainable wood products.
- Aggressive use of high recycled-content products.

Departments That May Be Affected

California Environmental Protection Agency, Department of Conservation, Department of General Services, State Department of Education and Department of Health Services

Committee Recommendation

Committee Chair

Date

9-12

- Installation of recyclable carpet, high efficiency lights and CFC-free air conditioning equipment.
- Separation and recycling of building material waste that occurs during construction.
- Use of construction materials that are non-carcinogenic and minimally toxic.
- Modification of heating, ventilation and air conditioning systems (HVAC) to provide high quality indoor air.
- Selection of construction materials made of substantial recycled content.
- Installation of high performance anti-solar window film.
- Installation of photovoltaic (PV) cells for supplemental energy production.

CIWMB Recommendations Regarding the Construction of the Cal/EPA Building. In an October 1997, memo to Cal/EPA regarding the construction of the Cal/EPA building, the CIWMB suggested that Cal/EPA form a "green" building design team, which would serve in a technical advisory capacity and would identify and evaluate practical opportunities to incorporate "green" building strategies through an integrated design approach. CIWMB suggested the "green" team should include the following persons with expertise in the following backgrounds:

- A mechanical engineer with knowledge of HVAC systems for high rise buildings. The desired technical skill is the ability to select the appropriate system using an integrated design approach.
- An energy conservation consultant with knowledge of lighting design, energy efficient light systems, light controls, recycled-content insulation materials, and computer software modeling (for projecting heating/cooling loads).
- A person with expertise in writing building product specifications for environmentally friendly products, including recycled-content building products.

The CIWMB recently looked at becoming involved in administering a contract to explore "green" options (interior use of recycled-content products) for the new Cal/EPA building and voted to authorize \$150,000 for this purpose at its February 11, 1998 meeting. However, this contract has since been assigned to DGS for exclusive responsibility with the necessary funding being provided as follows: 1/2 or \$75,000 from the Department of Water Resources and \$75,000 from project bond funds.

DGS Responsibilities. AB 2432 would require DGS to adopt regulations that require all design and architectural plans submitted for State building construction or remodeling to include energy efficiency, recycling materials, and the conservation of public resources. Additionally the bill

would require DGS to calculate the long-term and short-term energy costs of the project, as specified, and to adopt appropriate regulations on or before July 15, 1999. It is possible that DGS will look to the CIWMB for guidance in drafting the regulations. This may entail entering into an Interagency Agreement with DGS, and thereby, increasing our reimbursement authority.

Diversion Requirements. Chapter 1095, Statutes of 1989 (The California Integrated Waste Management Act of 1989, Sher, AB 939) requires local governments to reduce their waste streams by 25 percent and eventually 50 percent by the year 2000 through the development of waste diversion programs. State facilities are required by Executive Order and statute to initiate activities for the collection, separation, and recycling of recyclable materials. As we approach the date for local governments to meet the goals of Chapter 1095, it will become increasingly important for State agencies to do all that they can to help local governments attain this goal.

1990 Recycling Plan. Under the 1990 Recycling Plan developed by DGS and the CIWMB, responsibilities for implementing recycling programs were determined. The plan stated that DGS would, among other duties, collect all recyclable materials at secondary containers and deliver them to the dock level for pickup by contract vendors. This only applied to the State-owned buildings operated by DGS. Many State-owned facilities are not operated by DGS and are not subject to this plan. Therefore, there is no requirement to collect these materials at these facilities and deliver them to dock level recycling containers. When DGS is not the property manager for a State-owned building, the property management is contracted out. DGS requires the property manager to collect recyclables, but the contract language is somewhat vague and may not guarantee that the recyclables are collected.

Project Recycle. The CIWMB initiates and coordinates a comprehensive statewide waste reduction and recycling program for all State offices and institutions. The Project Recycle program conducts evaluations of materials discarded by State agencies; provides training materials and instruction, as well as desktop and intermediate metal collection containers; purchases other equipment for the safe collection of recyclables; and assists with arrangements for the sale of collected materials. As of March 1997, Project Recycle works with programs at 1,150 State offices and facilities. During 1997, 31,000 tons of materials were collected from State facilities and the CIWMB received \$218,873.06 from all recycling activity. This represents a net of approximately \$18,000.

Buy Recycled Campaign. The CIWMB's Buy Recycled Campaign assists procurement officers at the DGS, other State agencies, local governments and businesses in buying recycled-content products. These include recycled-content paper and plastics, re-refined petroleum, retreaded tires, lead-acid batteries, paint and solvents, glass products, paving materials, and compost products.

Administrative State Agency Recycling Directives. Governor Wilson's April 10, 1991 Executive Order W-7-91 requires all State agencies to implement a number of specific practices to reduce waste, reuse materials, recycle, and procure products made with recycled content to help reduce the amount of solid waste going to landfills. The CIWMB and the Department of Conservation

(DOC) were also directed to conduct five waste audits at State agencies to determine waste reduction opportunities. The DGS is required to develop policies and guidelines for implementing the Executive Order and conduct ongoing educational and training sessions for State agencies, postsecondary education institutions, and local government procurement offices.

In June 1991, an Executive Task Force on Waste Reduction and Recycling was formed to implement the Executive Order. In January 1992, the Task Force sent an advisory report to the Governor detailing existing problems and making recommendations to solve these problems.

EXISTING LAW

State law:

1. Requires all new buildings to be designed, constructed, repaired, renovated or rehabilitated under "building standards" guidelines, which are cited under the California Building Standards Law (Health and Safety Code §18901 et seq.); and
2. Requires all public buildings, when renovated or remodeled, to be retrofitted to meet specified building standards (Government Code §8878.55); and
3. Requires State agencies to initiate activities for the collection, separation, and recycling of recyclable materials (Public Contract Code [PCC] §12159.

State regulations (California Code of Regulations):

1. Provide State building standards that mandate energy efficiency measures in new construction (Title 24, Part 6, California Energy Efficiency Standards for Residential and Nonresidential Buildings).

State Executive Order W-7-91:

1. Requires State agencies to implement a number of specific practices to reduce waste, reuse materials, recycle, and procure products made with recycled content to help reduce the amount of solid waste going to landfills
2. Requires the CIWMB and the DOC to conduct five waste audits at State agencies to determine waste reduction opportunities; and
3. Requires DGS to develop policies and guidelines for implementing the Executive Order and conduct ongoing educational and training sessions for State agencies, postsecondary education institutions, and local government procurement offices.

ANALYSIS

AB 2432 would:

1. Provide that the DGS require all design and architectural plans submitted for the construction or renovation of State buildings that are used, in whole or in part, for State offices and are constructed by the State or in conjunction with any local or Federal agency, government, or department, to include the following by January 1, 2000:
 - a. Energy efficiency measures;
 - b. Water conservation measures in interior and exterior plumbing and landscaping;
 - c. Disposition, recycling, or limitation of construction and demolition waste;
 - d. Recycled and recyclable building materials in construction or renovation, including, but not limited to, recycled and recovered construction and demolition waste and recyclable carpets;
 - e. Alternative energy products, including photovoltaic cells;
 - f. Indoor air quality control;
 - g. Access to natural daytime lighting;
 - h. Storage and collection of recyclable materials used by building occupants, including storage and collection of beverage containers, aluminum, paper, and other materials;
 - i. Recharging or refueling for alternative fuel vehicles; and
 - j. Designated parking for alternative fuel vehicles and carpool vehicles.
2. Require DGS to calculate the long-term and short-term energy costs of the project prior to determining the final construction and other costs related to the building;
3. Define "energy costs" as the total utility bill, including electricity, natural gas, and other sources of power, to operate and maintain the State building and related facilities, including parking lots or structures, landscaping, maintenance, and storage sheds or buildings;
4. Define "long-term" as 10 to 35 years, inclusive, from the date on which the construction of the State building is commenced;
5. Define "short-term" as 10 or fewer years from the date on which the construction of the State building is commenced; and

6. Require DGS to adopt appropriate regulations on or before July 15, 1999, to implement these provisions.

COMMENTS

Use of Recycled Materials in Construction and Renovation of State Buildings. The CIWMB believes that State agencies should lead by example and should do their fair share to contribute to the State's source reduction and recycling efforts in order to meet the State-mandated goal of 50 percent disposal reduction by the year 2000. One of the critical keys to reach this goal is to develop markets for materials that have been diverted from solid waste landfills. By requiring State agencies to use recycled-content materials when constructing or renovating State buildings, AB 2432 would create new markets for building and construction materials, outdoor and indoor furnishings, and landscaped materials composed of recycled-content materials as well as set an example for the construction of non-State buildings.

New State California Environmental Protection Agency (Cal/EPA) Building. The DGS is overseeing the construction of the new Cal/EPA headquarters. The proposed 25-story, 950,000 square foot building will serve primarily as the headquarters building for the Cal/EPA, although other State agencies will lease space as well. Approximately 3,500 people will be housed in the 765,000 square feet of usable space. The building will allow Cal/EPA to consolidate its workforce and thus improve its effectiveness, efficiency, and communication in its efforts on behalf of taxpayers and the environment.

According to Cal/EPA, "green" issues are an important component of planning for the Cal/EPA building. The lease agreement specifies that the conservation of energy resources and the economically viable use of recycled materials are prime considerations in the development of this project. Examples of "green" issues include an efficient HVAC system, inclusion of dual pane windows, and a loading dock designed to accommodate significant recycling. During the tenant improvement phase, additional features are expected to include building materials that are low emitting or recycled, a design that increases the utilization of natural daylight, conserves resources, and improves air quality. The building design team anticipates that the building will exceed Title 24 regulations (California Code of Regulations) for energy efficiency requirements by at least 36 percent.

Possible Parking Problems at New Cal/EPA Building. The tenants of the proposed building will require about 1,885 parking spaces. As part of this project's lease agreement, the City of Sacramento (City) has contracted to provide 750 spaces from its parking garage, located across the street from the proposed building. The City will also provide 550 additional spaces within a five-block radius of the proposed building. It is anticipated that the difference will be made up through other parking available within the downtown area. Beyond this, the project includes the development of a comprehensive transportation management plan, which will include encouraging and facilitating the use of alternative modes of transportation by employees.

According to City of Sacramento staff, testimony during the Sacramento City Council meeting of

March 24, 1998 indicated that there clearly were not enough parking spaces available for employees of and visitors to the proposed Cal/EPA building. When excess capacity is subtracted from the demand for parking places, the outcome is a deficient number of parking spaces. Based on our understanding, there would be a minimum of 585 deficient parking spaces. Further, alternative modes of transportation would not be readily available for employees of and visitors to the proposed Cal/EPA building. Light Rail would provide some benefit as a stop exists within a block of the building. In addition, the City has indicated that they could arrange for shuttle buses to stop in front of the building to move employees to and from parking lots that are a considerable distance from the building.

Other Pending State Building Construction. Construction on the East End Complex (Complex) is scheduled to begin in 1999. The Complex will be located in an area bounded by L, O, 14th, and 17th Streets. The Complex will house DGS, the Department of Education, the Department of Health and Human Services and other State agencies in 1.5 million square feet of office space (more than three times the size of the Wells Fargo bank towers).

Other Examples of "Green" Office Buildings. Building "green" office buildings is not a new concept. Other examples of "green" office buildings include:

- The U.S. EPA is building a state-of-the-art facility in North Carolina at Triangle Research Park that will house the U.S. EPA offices and serve as a "green" building showcase for technologies. The total cost of this facility is \$232 million; the 500,000 square foot building will house more than 2,000 U.S. EPA employees and contractors, as well as extensive environmental science laboratories. "Green" building methods integrated into the U.S. EPA's facility will include:

- Using certified sustainable wood products;
- Aggressive use of high recycled-content products;
- Installation of recyclable carpet, high efficiency lights and CFC-free air conditioning equipment; and
- Separation and recycling of building material waste that occurs during construction.

According to the U.S. EPA, any increased costs in building materials and practices will be more than offset by savings from decreased utility usage and redesigned offices and labs that use less construction materials.

- The City of San Diego recently completed a "green" remodel for their Environmental Services Department (the "Greenhaven at Ridgehaven" building). "Green" methods used in this building include:
 - Using construction materials that are non-carcinogenic and minimally toxic;

- Modification of heating, ventilation and air conditioning systems to provide high quality indoor air;
- Selection of construction materials made of substantial recycled content; and
- Installation of high performance anti-solar window film.

"Green" Office Buildings Savings. The CIWMB Model Green Projects program encourages businesses, by example, to establish complete waste reduction and buy-recycling systems in office buildings or office parks. The CIWMB has found that there can be substantial cost savings when waste reduction programs are implemented in "green" buildings. They suggest that one way to do this would be to maximize the recycling and the reuse of construction and demolition materials generated during the construction of new State office buildings and reuse of construction and demolition materials generated during the demolition of existing structures.

Design and Architectural Plans Requirements. AB 2432 would require DGS to ensure that all design and architectural plans submitted after January 1, 2000 for the construction and renovation of State office buildings include various provisions for specific "green" building elements. A number of the bill's provisions are related to energy efficiency and conservation of resources. This version of the bill would benefit programs administered by the CIWMB because under the bill's provisions construction and demolition waste reduction, and construction and demolition recycling would be addressed in a facility's design and architectural plans phase. The bill would also require that consideration be given to the use of recycled and/or recyclable building materials for applicable construction and renovation projects. Finally, AB 2432 would require that building design include provisions for recycling activities which will occur during the operation of the building (office paper, beverage containers, etc.). However, we note that AB 2432 does not establish new performance standards or modify existing performance standards for State buildings.

Recycled-Content Building Products. AB 2432 would require the use of recycled-content building products. The author should instead consider the use of recycled-content materials that meet the standards of building codes, if applicable, and are available at competitive life cycle cost in the marketplace.

Storage and Collection of Recyclable Materials. AB 2432 would, among other things, require DGS to require all design and architectural plans submitted for the construction or renovation of State buildings that are used, in whole or in part, for State offices and constructed by the State to include storage and collection of recyclable materials used by building occupants, including storage and collection of beverage containers, aluminum, paper, and other materials.

This would be a great benefit to the CIWMB's Project Recycle program, which is required by statute to implement recycling programs at State facilities. The CIWMB provides indoor recycling containers to State offices, but in many State facilities, it is difficult to assure that the recyclables are collected from the indoor recycling bins and taken to outside collection bins. It is

extremely labor intensive and expensive for a recycler to collect the recyclables from many indoor bins and much more efficient and less costly to collect the recyclables from a large outdoor bin. If the property management company is already collecting garbage from inside the building, it is not an undue burden to have them collect recyclables. If the recyclables were not collected separately, the property management would collect them in the garbage bins anyway. One way or the other they would be hauling the material to outdoor bins. By hauling the materials to separate outdoor collection bins, the collection of the recyclables is much more attractive to a recycler to collect. Therefore, AB 2432 could greatly assist the collection of recyclables from State -owned facilities.

According to the Office of Real Estate and Design Services, there are 1,470 State-leased offices in addition to State-owned facilities. Some of these leased offices have a large number of employees generating recyclable materials. At most of these leased offices, the property management is not required to collect recyclables and take them to outdoor recycling bins. Therefore, the materials from these State facilities may not be recycled. It would be very helpful to the State's recycling program, if AB 2431 were to include the collection and storage of office paper and beverage containers in leased facilities.

SUGGESTED AMENDMENTS

The LPEC may wish to consider the following amendments:

1. Instead of requiring the use of recycled-content building products, require the use of recycled-content materials that meet the standards of building codes, if applicable, and that are available at competitive life cycle cost in the marketplace; and
2. Expand the State's recycling program to include the collection and storage of office paper and beverage containers in State-leased facilities.

LEGISLATIVE HISTORY

AB 2432 was introduced on February 20, 1998. The bill is set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on April 21, 1998.

Support: American Institute of Architects, California Council

Oppose: None on file.

FISCAL AND ECONOMIC IMPACT

AB 2432 would have minimal fiscal impact on the CIWMB.

Since AB 2432 does not include a provision to give a price preference to recycled content construction materials, there would be no additional cost to the CIWMB because of this legislation.

AB 2432 would require DGS to adopt regulations that require all design and architectural plans submitted for State building construction or remodeling to include energy efficient provisions. These provisions, in part, will address the use of recyclable materials and energy conservation efforts. While the result of this strategy will generate annual savings for the future building tenants, the actual savings amount will be dependent on the buildings' final design criteria and future energy costs. Therefore, we are presently unable to estimate the amount of savings anticipated from this approach. The regulations are to be adopted on or before July 15, 1999. It is possible that DGS will look to the CIWMB for guidance in drafting the regulations. This may entail entering into an Interagency Agreement with DGS, and thereby, increasing our reimbursement authority.

Another possible fiscal impact on the CIWMB would be the cost of providing recycling containers for new State facilities. However, the CIWMB receives revenue from the sale of recyclables to purchase the recycling containers. If the amount of recyclables collected increased, the CIWMB would receive increased revenue thereby offsetting the cost of additional bins. During 1997, 31,000 tons of materials were collected from State facilities and the CIWMB received \$218,873.06 from all recycling activity.

Board	Author	Bill Number
California Integrated Waste Management Board	Cardoza	AB 2531
Sponsor	Related Bills	Date Amended
Stanislaus County	SB 878 (Karnette)	As Introduced

BILL SUMMARY:

AB 2531 would provide that up to 25% of the 50% diversion requirement may include transformation at the City of Commerce, City of Long Beach, or the County of Stanislaus transformation facilities, for cities, counties, or regional agencies that used these facilities on or before January 1, 1998.

BACKGROUND:

In the 1980's prior to passage of the Integrated Waste Management Act (Act), Chapter 1095, Statutes of 1989 (AB 939, Sher), Legislature and the then-California Waste Management Board encouraged the construction of transformation facilities as an alternative to landfill disposal. During this period, numerous jurisdictions made long-term investments in this technology. AB 2531 recognizes this history and attempts to compensate for the change in direction with the passage of the Act.

Chapter 1095 brought about a significant change by promoting a waste management hierarchy of source reduction, recycling and composting, and environmentally safe transformation and environmentally safe land disposal. The Act further requires cities, counties and regional agencies to divert 25% of all solid waste from landfill disposal or transformation by 1995 and 50% by 2000.

Current law allows for a 10% credit for transformation toward the 50% requirement in 2000. Any amount in excess of that is disposal. Since 1990, all of the subsequent amendments to Chapter 1095 (AB 939) have retained this basic framework for transformation. The CIWMB's regulations, local jurisdiction planning documents, and the diversion programs selected by local jurisdictions all reflect and are consistent with this view of transformation.

Departments That May Be Affected		
Committee Recommendation	Committee Chair	Date
		9-22

RELATED BILLS

SB 878 (Karnette) of 1997 would authorize a city, county, or regional agency to submit to the California Integrated Waste Management Board (CIWMB) a revised Source Reduction and Recycling Element (SRRE) that includes diversion credit through waste that is converted to energy. This credit would be applicable to the 50% diversion requirement if specified conditions are met, including that the waste to energy credit results from utilization of only the facilities in the City of Commerce, City of Long Beach, and the County of Stanislaus, as permitted by the CIWMB and operational on or before January 1, 1990. SB 878, which has an urgency clause, is currently in the Senate Environmental Quality Committee with no hearing date set. According to the author's office, there are no plans to move SB 878 at this time. The CIWMB has not taken a position on SB 878.

AB 2706 (Cannella) of 1996 would have defined: (1) "energy recovery" to provide for energy recovery in lieu of transformation, and would have included, as an authorized waste management practice with a higher priority than landfill disposal, environmentally safe energy recovery at the discretion of the local jurisdiction, to further reduce the amount of waste disposal in landfills; and (2) would have defined energy recovery facilities for purposes of the bill to include only the City of Commerce, City of Long Beach, and Stanislaus County transformation facilities permitted by the CIWMB as of January 1, 1990. AB 2706 died on the Senate Appropriations Committee Suspense File. The CIWMB took no position on AB 2706.

EXISTING LAW

State Law:

1. Requires the CIWMB and local agencies to promote the following waste management practices in order of priority: (a) source reduction, (b) recycling and composting, and (c) environmentally safe transformation and environmentally safe land disposal. (PRC § 40051)
2. Requires each city and county source reduction and recycling element (SRRE) to include an implementation schedule which shows how the jurisdiction will divert 25% of all solid waste from landfill disposal by January 1, 1995, through source reduction, recycling, and composting activities, and 50% by 2000. (PRC § 41780)
3. For any city, county, or regional agency SRRE submitted to the CIWMB after January 1, 1995, allows the 50% diversion requirement to include not more than 10% through transformation, if all of the following conditions are met:
 - a. The transformation project is in compliance with the California Environmental Quality Act (CEQA), has required air permits, and has a Solid Waste Facilities Permit (SWFP).
 - b. The transformation project uses front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation (to the maximum extent feasible).

- c. Ash or other residue from the transformation project is tested routinely.
- d. The CIWMB holds a public hearing in the jurisdiction where the transformation project is proposed, and makes both of the following findings: (1) the jurisdiction is and will continue to be effectively implementing all feasible source reduction, recycling and composting measures; and (2) the transformation project will not adversely affect public health and safety or the environment.
- e. The transformation facility is permitted and operational on or before January 1, 1995.
- f. The city, county or regional agency does not include biomass conversion in its SRRE. (PRC § 41783)

ANALYSIS

AB 2531 would:

1. State that if transformation takes place at the City of Commerce, City of Long Beach, or Stanislaus County transformation facility, the 50% by 2000 diversion requirement may include up to 25% through transformation for any city, county, or regional agency that used these facilities on or before January 1, 1998, if conditions specified under Existing Law #3 (a-f) above are met and if all of the following conditions are satisfied:
 - a. The city, county, or regional agency that utilizes the City of Commerce, City of Long Beach, or Stanislaus County transformation facility continues to operate a combination of source reduction, recycling, and composting programs that achieve the 25% by 1995 diversion requirement (or reduced goals if approved by the CIWMB), if more than 10% diversion is being claimed.
 - b. The sum total of diversion credit provided by the three existing transformation facilities does not exceed the permitted capacity, as specified in the report of station information for the facility, as it existed on January 1, 1998.
 - c. If any of the three existing transformation facilities increases its permitted capacity, the amount in excess of the permitted capacity as of January 1, 1998 shall constitute disposal.
2. State that a source reduction and recycling element (SRRE) shall not be revised due solely to a decision by a city, county, or regional agency to include more than 10% diversion through transformation if the city, county, or regional agency utilizes the City of Commerce, City of Long Beach, or Stanislaus County transformation facility to comply with the 50% diversion requirement. The revision of the element shall be made at the time the element is revised and/or reviewed every five years. Any change in a diversion program shall be reported at the time the annual report for a jurisdiction is routinely submitted.

COMMENTS

Background/Effect of Electricity Deregulation. State law and policies during the 1980s encouraged the construction of waste-to-energy plants as a method to reduce landfill disposal of solid waste. The then Solid Waste Management Board's SB 650 program provided grants for project planning or construction of the Commerce, SERRF and Stanislaus plants. The California Pollution Control Financing Authority provided construction financing for the Stanislaus waste-to-energy plant.

Similarly, the California Public Utilities Commission in response to federal and State mandates to develop renewable and non-utility owned electric generation created special contracts to provide sufficient revenues to construct waste-to-energy, biomass, wind, solar, etc plants. Under these contracts, the public utilities would buy electricity from the plants at a rate equal to the utilities' cost of generation with existing plants or not having to build new plants.

The Commerce, SERRF and Stanislaus plants signed Interim Standard Offer No. 4 contracts with Southern California Edison and Pacific Gas & Electric, respectively. These contracts provided fixed prices for the first ten years. For the Commerce and SERRF plants, Edison was willing to provide a 9 cent per kilowatt-hour floor price from 1998 to about 2018. On the other hand, the Stanislaus plant will be paid short-run avoided cost starting in late 1998 which is currently in the 2 to 3 cents per kilowatt-hour range.

The restructuring of California's electric utility industry by the CPUC and Chapter 854, Statutes of 1996 (AB 1890, Brulte) has created a lot of uncertainty as to the future levels of avoided costs. With the intent of restructuring to reduce the price of electricity in California, the general expectation is that avoided cost will remain very low for the foreseeable future. The newly opened California Power Exchange electricity hourly prices for April 3, 1998 ranged from \$1.55 to \$2.68 per kilowatt-hour.

Electricity sales contribute between 60 to 85 percent of revenues to meet operational and debt service costs. The plants' other primary revenue source is the tipping fees. For every 1 cent per kilowatt-hour decrease in the electricity prices, the tipping fee must increase by \$3 to \$5 per ton. Any increase in the tipping fee may cause the waste to be handled by other means or be disposed in landfills in other communities. AB 2531, by increasing the amount of waste that can be diverted at the plants, reduces the incentive to take waste to other waste processing facilities.

Disposal to Diversion. AB 2531 would change the current statute and CIWMB regulations related to transformation which takes place at three permitted facilities in unincorporated Stanislaus County, Long Beach, and Commerce. Under the current law, transformation is considered to be disposal for the 25% diversion requirement by 1995. However, transformation can be counted as 10% of the 50% by 2000 diversion requirement. The bill would not change current law for any new transformation facilities, but would count all transformation at the three existing facilities as 25% of the 50% by 2000 diversion requirement so long as the permitted transformation capacity of the facilities, as of January 1, 1998, is not

exceeded. The remaining 25% diversion requirement would be met by jurisdiction operated source reduction, recycling, and composting programs.

Statewide vs. Local Impact. The statewide impact on achievement of diversion requirements by changing transformation at the three facilities from disposal to diversion in 2000 and beyond is fairly minimal. Of the 44 million tons of solid waste annually generated within California, less than one million is transformed. This represents approximately 2% of the statewide generation.

Therefore under this proposal, the statewide diversion rate could only climb by 2%. However, some individual jurisdictions could have significant changes in their diversion rates. Historically, several jurisdictions have relied on transformation for nearly 100% of their disposal after diversion. With the proposed changes in AB 2531, these jurisdictions would be able to count 25% of their transformation as diversion. These jurisdictions would need to reevaluate their diversion programs and implementation schedules. Those jurisdictions that exceed 10% sent to transformation at the three facilities would be able to claim additional credit under this bill. As a result, they may not need to implement as many new programs or may be able to select other alternative diversion programs. AB 2531 allows a jurisdiction that needs extensive revision of a jurisdiction's SRRE to wait until the five-year revision. Other jurisdictions could revise their SRREs as part of the annual report process.

Many local jurisdictions use transformation facilities for a smaller portion of their waste stream. Because up to 10% of the 50% diversion required by 2000 may already come from transformation, the number of jurisdictions impacted by this statutory change would be fairly small. This is because most jurisdictions that use transformation do not send more than 10% of the solid waste generated in the jurisdiction to transformation facilities.

An Unfair Change? Jurisdictions that plan to achieve the 50% requirement by funding sometimes expensive, traditional diversion programs may feel that this reclassification of transformation is an unfair route to achievement of the 50% requirement. However, all jurisdictions started with different waste streams, had different levels of private sector diversion, had different market conditions, and have diversion rates that are affected by many factors outside their control. Different jurisdictions already need to have different levels of effort.

Reporting Requirements. AB 2531 requires reporting for the three existing facilities. Disposal reporting by the three facilities will ensure that any transformation above the 1998 levels would be counted as disposal, as required by the bill.

Regulation Changes. AB 2531 would require the revision of a few existing regulation sections dealing with determining the amounts of disposal from each jurisdiction, implementing diversion programs, measuring disposal reduction, and determining goal achievement. In the event that a jurisdiction elects to increase the percentage of transformed waste counted towards its diversion goals, it would necessitate the revision of each of these parameters.

LEGISLATIVE HISTORY

AB 2531 was introduced on February 20, 1998. It was rejected by the Assembly Natural Resources Committee (0-2) on April 13, 1998, and granted reconsideration.

Support: Stanislaus County (sponsor)
League of California Cities
City of Ceres
Gilton Solid Waste Management
City of Modesto

Opposition: Californians Against Waste

FISCAL AND ECONOMIC IMPACT

AB 2531 would impose costs of \$17,500 (.25 PY) in FY 1998-99 and \$17,500 (.25 PY) in FY 1999-2000 from the Integrated Waste Management Account (IWMA) to revise regulations to change the proportion of transformation at the three facilities to count as diversion, clarify transformation's role in diversion plans, and remove the 10% limit for the 50% diversion in 2000 requirement. This would require CIWMB resources in staff time, duplication costs, mailing costs, and publication costs for compliance with the California Environmental Quality Act (CEQA).

The fiscal impact on local government will be dependent on the number of jurisdictions that rely on transformation at the three facilities in 2000, the extent to which they exceed the current 10% limit, and the extent to which they need to revise their plans and programs as a result. It is most likely that few jurisdictions would need to extensively revise their SRREs as a result of this bill, so local costs should be minimal. It could also result in unknown but potentially lower diversion costs to those jurisdictions that would meet the 50% requirement based on an increase in transformation credit.

Board	Author	Bill Number
California Integrated Waste Management Board	Aroner	AB 2555
Sponsor	Related Bills	Date Amended
Californians Against Waste	SB 698 (Rainey)	As Introduced

BILL SUMMARY

AB 2555 would mandate, by the year 2003, that producers and packagers of plastic packaging material ensure that no more than 50 percent of their plastic packaging material offered for sale in California becomes waste, no more than 35 percent by the year 2006 and no more than 20 percent by the year 2010. Additionally, the bill would require the California Integrated Waste Management Board (CIWMB), on or before July 1, 2004, and every other year thereafter, to report, as specified, to the Legislature and the Governor on the status of compliance with the provisions of this bill. The bill would make any violation of this chapter a civil penalty punishable by a fine of up to \$100,000 per violation. Further, the bill would require that funds derived from any such fine be deposited in the Integrated Waste Management Account and be available, upon appropriation by the Legislature, for specified purposes.

BACKGROUND

Californians Against Waste (CAW) is the sponsor of AB 2555. CAW contends that California needs a law that holds manufacturers responsible for developing markets for the full range of plastics packaging that is being produced. CAW believes that AB 2555 would spur industry to support plastics recycling and to use recycled plastic in their products. AB 2555 would apply to the full range of plastic packaging, including all plastic bottles and containers, plastic food packaging, plastic bags and film wrap, and plastic fill packaging ("peanuts").

Rigid Plastic Packaging Container (RPPC) Law. Chapter 769, Statutes of 1991 (SB 235, Hart) enacted the rigid plastic packaging container (RPPC) law. The CIWMB, which has administered the RPPC program since its enactment in 1991, has adopted regulations to implement the RPPC law. The RPPC law covers a very small (less than 0.5 percent) portion of the waste stream.

Departments That May Be Affected		
California Integrated Waste Management Board		
Committee Recommendation	Committee Chair	Date
		9-28

The RPPC law exempts a large number of plastic containers based on size or type of product. The responsibility for compliance is placed on "product manufacturers."

Definition of Rigid Plastic Packaging Container (RPPC). Under the RPPC law, "rigid plastic packaging container" is defined as any plastic package having a relatively inflexible finite shape or form, with a minimum capacity of eight fluid ounces or its equivalent volume and a maximum capacity of five fluid gallons or its equivalent volume, that is capable of maintaining its shape while holding other products including, but not limited to, bottles, cartons, and other receptacles, for sale or distribution in the State. Every RPPC sold in California, on average, is required to meet one of the following minimum content or reuse criteria:

- Contain at least 25 percent postconsumer material;
- Have a recycling rate of 25 percent, based on annual reports published by the CIWMB (for purposes of this subdivision polyethylene terephthalate (PETE) material shall be included in this calculation);
- Have a recycling rate of 55 percent if its primary material is PETE, based on annual reports published by the CIWMB;
- Have a recycling rate of 45 percent if it is a product-associated rigid plastic packaging container;
- Be a reusable or a refillable package;
- Be a source reduced container; OR
- Is a container containing floral preservative that is subsequently reused by the floral industry for at least two years.

CIWMB regulations exempt all fast food packaging from the RPPC law. The RPPC law was further amended by Chapter 754, Statutes of 1996 (SB 1155, Maddy) to exempt all food and cosmetic containers from the RPPC law.

As a result of the RPPC law, RPPC manufacturers, plastic manufacturers, and local governments began taking action to meet the 1995 compliance date for the minimum content, source reduction and reuse requirements of the RPPC law. RPPC manufacturers began testing and using postconsumer recycled plastic and local governments began or expanded postconsumer plastic container collection programs. According to the American Plastics Council's 1995 report to the CIWMB, plastic producers have invested more than \$1 billion since 1990 to develop technologies for recycling and reclaiming postconsumer and plastic scrap.

Manufacturer Compliance Rates. For calendar year 1995, all product manufacturers were deemed to be in compliance when the CIWMB determined the all-container rate to be within a range of 23.3 to 25.9 percent. For calendar year 1996, the statewide all-container-recycling rate was calculated to be 23.2 percent. Compliance information for calendar year 1996 is not currently available; CIWMB staff estimates that this information will be available in September 1998.

Developing Markets for RPPC. The CIWMB has made several million dollars worth of loans to plastics recyclers through its Recycling Market Development Zone loan program. Most of the CIWMB's involvement with plastics has been to develop markets for recovered plastic materials diverted from the waste stream. To date, the CIWMB has not tracked the actual generation of plastic material by each manufacturer.

RELATED BILLS

Related legislation includes SB 698 (Rainey), sponsored by First Brands, Inc. SB 698 would eliminate the current 30 percent recycled material use requirement for trash bags 0.75 mil and greater and replace it with two compliance options, as specified, from which manufacturers may choose. Additionally, the bill would: 1) delete the exemption for adhesive, heat-affixed strap bags; 2) provide that any variance issued by the CIWMB on or before the effective date of this bill would remain in effect until December 31, 1998; 3) exempt the variance holder from the requirements of the bill until that date; and 4) would require the CIWMB to conduct a survey of manufacturers subject to this proposed legislation and report to the Legislature on its findings by October 1, 2001. The CIWMB voted to support SB 698 at its March 25, 1998 CIWMB meeting. SB 698 passed the Assembly Natural Resources Committee (9-0) on March 16, 1998 and was referred to the Assembly Appropriations Committee. No hearing date has been scheduled.

EXISTING LAW

State Law:

1. Contains legislative findings that:
 - a. For recycling in the State to be successful, it is critical that stable, in-state markets be developed for recycled material; and
 - b. The State has required several types of products to use increasing levels of postconsumer recycled material in their manufacture (PRC §42300).
2. Requires every rigid plastic packing container (RPPC) sold in California, on average, to meet one of the following minimum content or reuse criteria:
 - a. Contain at least 25 percent postconsumer material;

- b. Have a recycling rate of 25 percent, based on annual reports published by the CIWMB (for purposes of this subdivision Polyethylene Terephthalate (PETE) material shall be included in this calculation;
 - c. Have a recycling rate of 55 percent if its primary material is PETE, based on annual reports published by the CIWMB;
 - d. Have a recycling rate of 45 percent if it is a product-associated rigid plastic packaging container;
 - e. Be a reusable or a refillable package;
 - f. Be a source reduced container; OR
 - g. Is a container containing floral preservative that is subsequently reused by the floral industry for at least two years (PRC §42310);
3. Exempts the following containers from the minimum content or reuse requirements:
- a. RPPCs produced in or out of the State which are destined for shipment to other destinations outside the State and which remain with the products upon that shipment;
 - b. RPPCs that contain drugs, medical devices, cosmetics, food, medical food, or infant formula as defined by the Federal Food, Drug and Cosmetic Act;
 - c. RPPCs that contain toxic or hazardous products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act; and
 - d. RPPCs that are manufactured for use in the shipment of hazardous materials and are prohibited from being manufactured with used material by Federal packaging material specifications and testing standards set forth in the Code of Federal Regulations (Title 49, Sections 178.509, 178.522, and 178.600 to 178.609, inclusive) or are subject to recommendations of the United Nations on the transport of dangerous goods (PRC §42340);
4. Requires the CIWMB to adopt implementing regulations and specifies that one of these regulations must require product manufacturers (users of containers) to include a requirement in their purchasing specifications that the rigid plastic containers they will purchase must satisfy the minimum content and reuse requirements (PRC §42325);
5. Authorizes the CIWMB, if it determines that a manufacturer has not taken all feasible actions to ensure the reduction, recycling, or reuse of the containers and the development and expansion of markets for containers, to take one of the following actions, as selected by the manufacturer:

- a. Require the manufacturer to take additional actions to ensure that the manufacturer is taking, and will continue to take, all feasible actions to ensure the reduction, recycling, or reuse of the containers and the development and expansion of markets for rigid plastic packaging containers, OR;
 - b. Impose a civil penalty of up to \$100,000, after taking into consideration the size and net worth of the company, the impact of the violation on the overall objectives of the rigid plastic packaging law, and the severity of the violation (PRC §42310.2).
6. Requires the CIWMB to grant a waiver from the 25 percent postconsumer material content requirement if the CIWMB finds that:
- a. The RPPC requirements cannot be met because of regulations adopted by the Federal Food and Drug Administration or other State or Federal law, OR;
 - b. It is technologically infeasible to use rigid plastic packaging containers, which achieve the postconsumer content requirement (PRC §42330[a];
7. Requires the CIWMB to grant a waiver from all of the recycled content, reuse, and source reduction requirements if the CIWMB finds that:
- a. Less than 60 percent of the single-family homes in the State on and after January 1, 1994, have curbside collection programs which include beverage container recycling, OR;
 - b. At least 50 percent, by number, of a manufacturer's rigid plastic packaging containers sold or offered for sale in the State in the current calendar year achieve the postconsumer material requirements and all of the manufacturer's rigid plastic packaging containers will comply with the recycled content, reuse, and source requirements of the RPPC program by January 1, 1996 [PRC §42330(b)]; and
8. Requires the CIWMB to grant a one-year waiver from the RPPC program for products packaged in rigid plastic packaging containers that are introduced and sold in this State after January 1, 1995 [PRC §42330 (c)].

State Regulations (Code of California Regulations, Title 14, Article 3, §17942 through §17949):

1. Provide guidance to those who must comply with RPPC program requirements;
2. Describe procedures that product manufacturers, container manufacturers, resin manufacturers, distributors, and importers must follow to meet reporting, certification, and documentation requirements; and

3. Pertain only to RPPC sold or offered for sale in California, regardless of where the containers or the products they hold are produced.

ANALYSIS

AB 2555 would:

1. Mandate, by the year 2003, that producers and packagers of plastic packaging material ensure that no more than 50 percent of their plastic packaging material offered for sale in California becomes waste, 65 percent by the year 2006 and 80 percent by the year 2010;
2. Make a person who violates the mandate in #1 above subject to a civil penalty not to exceed \$100,000;
3. Require the CIWMB to report to the Legislature and the Governor, on or before July 1, 2004, and every other year thereafter, on the:
 - a. Status of compliance with #1 above;
 - b. Estimated amount of each plastic packaging material type that was generated and that become waste during the preceding calendar year;
 - c. Largest producers and packagers of plastic packaging materials types that have satisfied the goals of AB 2555;
 - d. Largest producers and packagers of plastic packaging material types that have failed to satisfy the goals of AB 2555;
 - e. Estimate of the total annual public cost of waste cleanup, collection, and disposal for each plastic packaging material type that has failed to satisfy the goals of AB 2555; and
 - f. Recommendations on additional strategies, programs and incentives that may be taken by the producers and packagers of plastic packaging material types or the Legislature to further reduce plastic packaging waste;
4. Declare legislative intent that producers and packagers of plastic packaging:
 - a. Share in the responsibility for substantially reducing, and where feasible, eliminating plastic packaging waste;
 - b. Use voluntary, market-based, and other cost effective methods to satisfy the goals of this chapter;

- c. Make any costs associated with reducing plastic packaging waste part of the cost of each product; and
 - d. Reduce and ultimately eliminate the expenditure of existing tax and fee revenue to pay for the collection and disposal of plastic packaging waste;
- 5. Define "packager" as the maker of or distributor of products that utilize packaging;
 - 6. Define "producer" as any person who manufactures packaging or the materials used for packaging, or who supplies packaging or materials to a product maker or packager;
 - 7. Define "packaging" as material or materials used to protect, store, handle, transport, display, or market products, including unit packages, intermediate packages, and shipping containers;
 - 8. Provide that packaging includes, but is not limited to, boxes, bags, crates, disposable cups and plates, pails, rigid foil, and other trays, wrappers, and wrapping films, tubs, inserts, and fillers used to cushion the contents of a package; and
 - 9. Define "plastic packaging materials types" as distinct categories of plastic packaging as determined by the CIWMB, including, but not limited to the following.
 - a. Polyethylene Terephthalate (PET) plastic packaging;
 - b. High-density Polyethylene (HDPE) plastic packaging;
 - c. Polystyrene (PS) plastic packaging;
 - d. Polyvinyl Chloride (PVC) plastic packaging;
 - e. Polypropylene (PP) plastic packaging; and
 - f. Bags, film, wrap, and other flexible plastic packaging.

COMMENTS

Disposal of Plastic Waste in Solid Waste Landfills. Chapter 1095, Statutes of 1989 (The California Integrated Waste Management Act of 1989, Sher, AB 939) requires local governments to reduce their waste streams by 25 percent and eventually 50 percent by the year 2000 by the development of waste diversion programs. According to the 1990 CIWMB Waste Composition Study, plastics represent 6.5 percent of California's solid waste stream and RPPC containers subject to the RPPC law are less than 1 percent of the total waste stream in California. Plastic represents about 5 percent of the total waste in solid waste landfills by weight, but it occupies

about twice that amount in volume. Very little plastic waste will biodegrade in solid waste landfills. If plastic waste does biodegrade, it does so very slowly.

The primary source of collection of recyclable plastic is through curbside collection programs. Prior to the enactment of the RPPC program, curbside collection of recyclable plastics was limited to milk and soda bottles because these materials have a higher market value than other plastic materials. The enactment of the RPPC program created a market demand for other types of recyclable plastics that provided an incentive to expand the types of recyclable plastics collected through curbside collection programs.

Recycling of Plastic Products. In November 1997, the Department of Conservation (DOC) reported that 2,809 tons of PET containers (e.g., soda bottles, etc.) were reclaimed; this represents an increase of 10 percent over 1996. Further, the DOC reported that households served by curbside collection programs continue to increase, now totaling 70 percent in California. A recent survey of the 12 largest curbside programs indicated HDPE (e.g., milk jugs, etc.) plastic recycling volumes from 1995 to 1996 increased by 23 percent.

Problems with AB 2555. As currently written, AB 2555 appears to have created several problematic areas for the RPPC law:

- Assembly Bill 2555 would not ensure a reduction in the amount of plastic packaging material becoming waste. The bill would impose a non-disposal requirement on all packaging material actually sold in California, but would not impose that requirement on all plastic packaging material used in California.
- The definition of packaging appears to be all-inclusive by including plastic materials used for transportation and handling of products prior to actual sales to consumers.
- The bill does not specify any particular method or methods that packaging producers must use to ensure those materials do not become waste. This would allow producers the right to pursue whatever options they find to be most convenient for them. The producers could establish programs such as direct "buy-back" or return systems, obtain plastic from existing curbside collection programs, work with retail sellers to get people to return the packaging material, or they could change the type of packaging materials. The producers cannot count any plastics recovered for recycling at mixed waste material recovery facilities. This material would be considered a waste under the Public Resources Code.
- The bill does not specify how the CIWMB or the producers are to determine the amount of plastic packaging material generated. The bill appears to define "generation" as the sale of packaging material in California. It begs the question of how to treat the packaging material that was sold out-of-state for packaging of products to be sold in California. The proposed PRC §42383 should be amended to clarify whether generation of plastic packaging occurs when the packaging material is sold in California, or if generation occurs where the product, which was packaged in plastic, is sold in California.

- AB 2555 could be interpreted as "the sale of packaging material within California." Therefore only materials subject to those sales transactions would be covered by waste reduction mandates. This could mean that packaging material not sold in California could become waste at a 100 percent rate.
- AB 2555 would call for the imposition of civil penalties for each violation of the law. Any penalties, which are collected, would be deposited into the Integrated Waste Management Fund. However, the bill does not provide the CIWMB with the express authority to ensure compliance by the producers and packagers. The bill assumes that the CIWMB will be able to receive from each and every producer and packager the sales and waste data for specified packaging types. The CIWMB needs these data to determine which producers and packagers satisfied the requirements of the law. The bill needs to be amended to include a provision that the CIWMB has the authority to promulgate regulations to ensure compliance by the producers and packagers with the law. Or, if the Legislature determines that this issue would best be addressed via an electronic manifest, what entity or entities would be responsible for its development and implementation?

New Required CIWMB Annual Report. AB 2555 would require the CIWMB, starting in the year 2004, to annually report to the Legislature and the Governor on the status of compliance. The report is to include a CIWMB estimation of the amount of plastic packaging material generated and the amount that became waste, a listing of producers that failed to comply, and a CIWMB estimation of the public cost of waste clean-up, collection and disposal for the non-complying packaging material types.

This report will require a significant resource commitment by the CIWMB for data acquisition and management, report writing and analysis of the costs of plastic packaging disposal. The first report will probably require two person-years (PYs) for the analysis and report preparation. The CIWMB will have to expend resources beginning in the year 2002, if not before, to draft regulations for reporting to the CIWMB on the generation and recycling of plastic packaging. The database management function would begin in the year 2003.

Supporters' Arguments. Supporters contend that boosting the rate of plastic recycling hinges on plastic manufacturers because they buy the processed material and recycle it into new products. Getting major manufacturers to develop new markets for recycled plastics will be critical to boosting the overall plastics recycling rate.

Opponents Arguments. Opponents are showing resistance to AB 2555 because it allows for stiff fines for failure to comply. AB 2555 calls for civil penalties up to \$100,000 for violations. Plastic manufacturers also object to their industry being singled out for such ambitious recycling goals. They contend that plastics manufacturers already promote recycling and those efforts have helped to boost rates in some areas. They believe that the law might force product substitutions and could increase the waste burdens in California.

SUGGESTED AMENDMENTS

The LPEC may wish to consider the following amendments:

1. Assembly Bill 2555 would impose a non-disposal requirement on all packaging material actually sold in California, but would not impose that requirement on all plastic packaging material used in California. Should the bill be amended to impose a non-disposal requirement on all packaging material sold, as well as used, in California?
2. The definition of packaging appears to be all-inclusive by including plastic materials used for transportation and handling of products prior to actual sales to consumers. Should the bill be amended to separate these types of materials?
3. The bill does not specify any particular method or methods that packaging producers must use to ensure those plastic materials do not become waste. This would allow producers the right to pursue whatever options they find to be most convenient for them. The producers could establish programs such as direct "buy-back" or return systems, obtain plastic from existing curbside collection programs, work with retail sellers to get people to return the packaging material, or they could change the type of packaging materials. The producers cannot count any plastics recovered for recycling at mixed waste material recovery facilities to ensure those plastic materials are recycled rather than disposed in solid waste landfills. This material would be a waste under the Public Resources Code. Should the bill be amended to ensure that the plastic material is recycled rather than disposed of as waste in solid waste landfills?
4. The bill does not specify how the CIWMB or the producers are to determine the amount of plastic packaging material generated. The bill appears to define "generation" as the sale of packaging material in California. It begs the question of how to treat the packaging material that was sold out-of-state for packaging of products to be sold in California. Should the proposed PRC §42383 be amended to clarify whether generation of plastic packaging occurs when the packaging material is sold in California, or where the product, which is packaged in plastic outside of California, is sold in California?
5. AB 2555 could be interpreted as "the sale of packaging material within California." Therefore only materials subject to those sales transactions would be covered by waste reduction mandates. This could mean that packaging material not sold in California could become waste at a 100 percent rate. Should the bill be amended to clarify this issue?
6. AB 2555 would call for the imposition of civil penalties for each violation of the law. Any penalties, which are collected, would be deposited into the Integrated Waste Management Fund. However, the bill does not provide the CIWMB with the express authority to ensure compliance by the producers and packagers. Should the bill be amended to include a provision that the CIWMB has the authority to promulgate regulations to ensure compliance by the producers and packagers with the law?

LEGISLATIVE HISTORY

AB 2555 was introduced on February 23, 1998. The bill was introduced on February 23, 1998 and was heard by the Assembly Natural Resources Committee on April 13, 1998. At that hearing, the Committee granted the author reconsideration. No hearing date has been scheduled.

Support: Californians Against Waste (CAW) (sponsor)
Alameda County Waste Management Authority
Association of California Recycling Industries
B.C.P. Associates
Butte Environmental Council
California Association of Local Conservation Corps
California Communities Against Toxics
California Resource Recovery Association San Diego Chapter
California State Association of Counties
Campus Recycling Program, Humboldt State University
Community Environmental Council
Community Recycling & Resource Recovery, Inc.
Del Norte Solid Waste Management Authority
Ecoplast
Inyo County
City of Long Beach
City of Los Angeles
Norcal Waste Systems, Inc.
Peninsula Sanitary Service Inc.
Planning and Conservation League
Safe Alternatives for our Forest Environment
Sierra Club
SLV Redemption/Recycling Centers
Solana Recycling, Inc.
Talco Plastics, Inc.
The Sutta Company
TRI-CED Community Recycling

Oppose: American Electronics Association
American Forest and Paper Association
American National Can Company
American Plastics Council, Inc.
Amoco Corporation
Anheuser-Busch Companies, Inc.
ARCO Chemical Company
Ashland Chemical Company
Astrofoam Molding Company, Inc.

Oppose Bayer Corporation
Continued: BF Goodrich Company
California Bottling Company, Inc.
California Chamber of Commerce
California Grocers Association
California League of Food Processors
California Manufacturers Association
California Paint and Coatings Association
California Retailers Association
Chevron Chemical
Clorox Company
Coors Brewing Company
Cosmetics, Toiletry & Fragrance Association
Dairy Institute of California
Dart Container Corporation
Dow Chemical Company
Dupont
Eastman Chemical Company
ELRAP
Exxon Chemical Company
FINA, Inc.
First Brands Corporation
Flexible Packaging Association
Fort James Corporation
GE Plastics
Grocery Manufactures of America
Hoechst Celanese Corporation
Hunstman Corporation
ICI Americans, Inc.
Illinois Tool Works
Ivex Corporation
Kraft Foods
Lyondell Petrochemical Corporation
Mead Corporation
Miller Brewing Company
Mobil Chemical Company
Montell North America, Inc.
National Food Processors Association
NOVA Corporation
Occidental Chemical Company
Pacific Packaging Systems, Inc.
Perrier Group
Pharmaceutical Research & Manufacturers of America
Procter & Gamble

Oppose Quantum Chemical Company
Continued: Rohm and Hass Company
 Shell Chemical Company
 Snack Food Association
 Soap and Detergent Association
 Society of the Plastics Industry, Inc.
 Solvay America, Inc.
 Sonoco Products
 Superfos Packaging, Inc.
 Tenneco
 Union Carbide Corporation
 W.R. Grace & Co/Cryovac Division

FISCAL AND ECONOMIC IMPACT

Enactment of AB 2555 would create a major fiscal impact on the CIWMB. **We estimate that it would cost \$ 664,000 and require 5.5 PY for one-time/start-up costs, and \$370,000/ 1.5 PY for on-going needs.** CIWMB program staff has identified many problem areas with this bill as currently written. New program activities requiring additional staff have been identified that include data management, regulation and report writing, cost analysis, and enforcement activities. A tracking system to gather all the required reporting information will need to be developed and maintained. Because most of the CIWMB's involvement in the past with plastics has been to develop markets for recovered plastic materials, a new program will need to be developed to track each plastic manufacturer's generation and output of waste.

It is too early to determine if civil penalties collected would support the cost to administer the new program activities. Current civil penalties in statute imposed on the operators of solid waste facilities are written to not exceed \$5,000 for each day of violation, and to not exceed a total of \$15,000 in any calendar year if compliance is not met. Assuming statutory authority would be granted to impose penalties at a maximum of \$15,000 per each violation, over 44 civil penalties would need to be cited and collected to support start-up costs alone. The universe of plastic manufacturers in California and the number that may fail to comply with the disposal requirements are unknown factors at this time. Additional costs not yet factored into this analysis include an estimate of legal staff time that will be required for each civil penalty case reviewed by the CIWMB's legal office to assist with assessment and collection efforts this bill could generate.

Year	Position Need	Workload Description
2002	.5PY/IWMS (one-time)	Prepare regulations on generation and recycling of plastic packaging material.
2003	2.0 PY/AGPA 1.0 PY/Off Tech (one-time)	Develop reporting system to determine: 1. How much plastic is generated; 2. what amount becomes waste; 3. who failed to comply; and 4. what is cost for clean-up (non-compliance)?
2003	C&P Contract (on-going)	To assist with data acquisition, and determining waste composition.
2004	2 PY/IWMS (one-time)	Review, analyze and prepare 1 st annual report.
2004	0.5 PY/IWMS (on-going)	Review, analyze and prepare subsequent annual reports.
2004	1 PY/IWMS (ongoing)	Enforcement related activities; compliance evaluations/auditing.

* See attachment #1 for detailed breakdown of cost estimate.

Economic Impact. Some plastic manufacturers contend that enactment of AB 2555 might force product substitution and could increase the waste burdens in California. Some manufacturers, fearing they may not be able to comply with steep recycling mandates, might switch packaging from plastic to another container, like glass, to avoid the law.

However, businesses that process recycled plastics believe that if demand is increased for recycled plastics through the enactment of AB 2555, their businesses will benefit.

As a result of the successful diversion of solid waste from California's landfills, the Integrated Waste Management Account is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.

AB2555 one-time
STANDARD COMPLIMENT
BCP'S FY 1998-99

DIVISION: Waste Prevention and Market Development
One-Time / Start-up costs

PERSONAL SERVICES

Salaries & Wages:		
IWMS	2.5 \$	127,260
Assoc. Programmer Analyst	2.0 \$	104,304
Office Technician	1.0 \$	29,724
	\$	
Total Positions	5.5 \$	
Gross Salaries & Wages Subtotal	\$	261,288
Salary Savings (5%)	\$	-13,064
Net S & W Subtotal (Salaries & Wages less Salary Savings)	\$	248,224
Staff Benefits (28%)	\$	69,503
PERSONAL SERVICES TOTAL	\$	317,726

OPERATING EXPENSE AND EQUIPMENT

General Expense (\$1,226 per person)	1226 \$	6,743
Printing (\$626 per person)	626 \$	3,443
Communications (\$1007 per person)	1007 \$	5,539
Postage (\$564 per person)	564 \$	3,102
Travel In State (\$971 per person)	971 \$	5,341
Training (\$330 per person)	330 \$	1,815
Consulting & Prof. Svcs - Contract	\$	250,000
Facilities Operations (\$5,992 per person)	5992 \$	32,956
Data Processing (\$733 per person)	733 \$	4,032
Equipment EDP (\$6,050 per person) - one time co	6050 \$	33,275
OPERATING EXPENSE & EQUIPMENT TOTAL	\$	346,245

TOTAL PERSONAL SERVICES and OE & E	\$	663,971
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Board	Author	Bill Number
California Integrated Waste Management Board	McPherson	SB 1924
Sponsor	Related Bills	Date Amended
National Electrical Manufacturers Association	SB 2111 (Costa and Alpert)	As Introduced February 19, 1998

BILL SUMMARY

SB 1924 would exclude spent dry cell batteries containing zinc electrodes as specified, from regulation and associated requirements as a non-Resource Conservation and Recovery Act (RCRA) hazardous waste, as defined. This exclusion would be predicated on: 1) spent dry cell batteries being disposed of in the municipal solid waste stream; or 2) if spent dry cells are accumulated for recycling that the person would need to demonstrate that the material is potentially recyclable and at least 75 percent by weight or volume of the accumulated spent dry cell batteries containing zinc electrodes be recycled or transferred to a different site for recycling during the calendar year.

BACKGROUND

This legislation is sponsored by the National Electrical Manufacturers Association, which desires to deem dry cell batteries (zinc electrode) as exempt from the current non-RCRA hazardous waste regulations if these batteries are placed in the solid waste stream for disposal or accumulated for recycling, as specified.

Currently, all spent batteries are classified as non-RCRA hazardous waste in California and are equally subject to hazardous waste regulation. This is due to the fact that the State's criteria for hazardous waste are more restrictive than federal requirements.

According to the 1992 California Integrated Waste Management Board (CIWMB) report, *Household Battery Waste Management Study*, household batteries contain metals which are known to have adverse effects on human health and the environment. Historically, mercury and cadmium have been the toxic metals of primary concern in household batteries as it is estimated that household

Departments That May Be Affected California Integrated Waste Management Board, Department of Toxic Substances Control, State Water Resource Control Board, Air Resources Control Board		
Committee Recommendation	Committee Chair	Date 9-43

batteries may contribute more than 8 percent of the total mercury found in municipal solid waste, whereas household batteries may contribute more than 50 percent of the cadmium in municipal solid waste.

Household batteries are estimated to comprise only two percent of the total zinc contributed by all other uses. The report estimates that 3,267 tons of zinc is projected for the California waste stream in the year 2000 from the disposal of household batteries versus only 3.3 tons for mercury and 466 tons for cadmium, respectively.

In addition, the 1992 California Integrated Waste Management Board (CIWMB) report, *Household Battery Waste Management Study*, projected the 1998 annual sales of household batteries in California at an estimated 609 million batteries (of which 406 million are alkaline, 66 million are zinc-carbon, and 36 million are zinc air, mercuric oxide, and silver oxide). Thus, approximately 83 percent of the household batteries sold in California contain zinc electrodes and thus would be subject to this proposed legislation.

Most consumers of household batteries are not aware of the fact that household batteries, which they discard in their garbage, are legally considered hazardous waste in California. Therefore, although household batteries are required to be disposed in a hazardous waste disposal facility, the majority of household batteries end up illegally disposed in municipal solid waste landfills thereby contributing to the actual or increased risk of contamination of soil and groundwater at municipal solid waste landfills throughout the state, or to the increased risk of air emissions at municipal solid waste incinerators.

California has pursued several options to encourage the collection of non-RCRA hazardous wastes, especially those generated by households, including relaxing standards for public agencies which collect household hazardous wastes and requiring local governments to plan for the safe collection and ultimate recycling, treatment or disposal of household hazardous wastes (including discarded batteries). The result has been the incorporation of household battery collection as a part of many communities household hazardous waste collection programs. According to the Department of Toxic Substances Control *Household Hazardous Waste Collection Facility Volume by County Report for Fiscal Year 1996/1997*, approximately 148,772 pounds of household batteries were collected by community Household Hazardous Waste collection programs for subsequent disposal as hazardous waste.

RELATED BILLS

SB 2111 (Costa and Alpert) would have an impact on statewide policies governing silver and silver compounds. Silver and silver compounds currently are considered to be non-RCRA hazardous wastes in California. This bill would exempt silver and silver compounds from regulation under the hazardous waste control laws if these materials are not subject to regulations as RCRA hazardous waste only to the extent these materials are regulated under RCRA. These materials could then legally be disposed of at permitted landfills and transformation facilities and must be included in waste disposal data provided by local jurisdictions. While silver and silver compounds alone may not significantly impact the amount of solid waste disposal at landfills or transformation facilities, other waste types are being considered for deregulation or exemption, and as a result there may be a cumulative increase in

the amount of waste being disposed of at landfills or transformation facilities throughout the State. SB 2111 was introduced in the Senate on February 20, 1998 and has been referred to the Senate Environmental Quality Committee for a hearing on April 20, 1998. The CIWMB has not heard this bill.

EXISTING LAW

Federal law:

1. Identifies most spent batteries as hazardous waste under RCRA;
2. Includes adoption (May 11, 1995) of the U.S. EPA's Universal Waste Rule (UWR), which was created to streamline the collection and management of certain widely generated hazardous waste by lessening the overall regulatory burden associated with those wastes. The UWR applies to hazardous wastes that are generated in a wide variety of settings in addition to the industrial settings where you would normally find hazardous waste. Once designated a "Universal Waste," the waste is no longer required to be managed by generators or transporters according to full RCRA hazardous waste requirements, but instead must meet lesser UWR requirements. Universal wastes include batteries, pesticides and mercury thermostats. Final treatment, disposal, or recycling of these wastes is still subject to applicable RCRA permit requirements.

State law:

1. Defines "batteries" as primary or secondary batteries, including nickel-cadmium, alkaline, carbon-zinc, and other batteries generated as non-RCRA waste similar in size to those typically generated as household waste (Health and Safety Code §25216);
2. Excludes lead-acid batteries from the definition of "batteries" (Health and Safety Code §25216);
3. Exempts any collection location or intermediate collection location that receives, or any person that transports, spent batteries as exempt from the requirements of the hazardous waste control laws concerning receipt, storage, and transportation of hazardous waste if the batteries are subsequently sent from that collection location to a facility authorized to receive those batteries and specified conditions are met (Health and Safety Code §25216.1);
4. States that disposal does not include a battery, which is delivered to a collection location or an intermediate collection location and subsequently transported to a household hazardous waste collection facility (Health and Safety Code §25216.2);
5. Requires a hazardous waste facilities permit for the operation of a household hazardous waste (HHW) facility and waives that requirement for recycle-only HHW facilities that accept specified waste, including nickel-cadmium, alkaline, carbon-zinc, or other small batteries, if the recycle-only HHW facility meets specified requirements (Health and Safety Code §25218.8);
6. Defines "non-RCRA hazardous waste" as meaning hazardous waste that is regulated by the State, 9-45 other than hazardous waste subject to the federal Resource Conservation and Recovery Act of 1976 (Health and Safety Code §25160.1);

ANALYSIS

SB 1924 would:

1. Define "spent dry cell battery containing zinc electrodes" as any type of enclosed device or sealed container consisting of one or more voltaic or galvanic cells, electrically connected to produce electric energy, including but not limited to, a button, coin, cylindrical, or rectangular shape, which is designed for commercial, industrial, medical, institutional, or household use, including any alkaline, zinc-air, zinc-carbon, or silver oxide battery which is discarded by the user, and which contain both of the following:
 - a. An electrode comprising zinc or zinc oxide or a combination thereof; or
 - b. A liquid starved or gelled electrolyte.
2. Require that a spent dry cell battery containing zinc electrodes is not subject to regulation under this chapter as a non-RCRA hazardous waste, and is not subject to the requirements of §25216.3, if the spent dry cell battery containing zinc electrodes is disposed of in the municipal solid waste stream or is accumulated for recycling.
3. Prohibit a person from accumulating spent dry cell batteries containing zinc electrodes speculatively within the meaning of "accumulated speculatively" as defined by §66260.10 of Title 22 of the California Code of Regulations.
4. Allow that a person accumulating spent dry cell batteries containing zinc electrodes is not accumulating these materials speculatively, if the person demonstrates that the material is potentially recyclable, has a feasible means of being recycled, and that during the calendar year, the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period.

COMMENTS

Health and Safety and the Environment. The CIWMB does not regulate hazardous waste. The Department of Toxic Substances Control (DTSC) would have to determine if exempting these types of batteries is beneficial to the people and environment of California. In addition, DTSC and the State Water Resource Control Board (SWRCB) determine what wastes can be disposed in the various classes of landfills based on the risks associated with the waste and the containment provided by the landfill. Not all municipal solid waste landfills are alike, some have liners and some don't thus, the SWRCB would need to evaluate whether all landfills in California could accept the spent dry cell batteries if they were exempted. Further, because the Air Resources Board (ARB) and the local air districts regulate air emissions, they would need to determine whether the exemption of household batteries would result in more batteries being incinerated in transformation facilities and the impact this change could make on transformation facility air emissions. We would note that the CIWMB regulates solid waste facilities and does not determine which wastes can be accepted. 9-46

Impact on CIWMB Household Hazardous Waste Program. The CIWMB manages spent household batteries as part of its household hazardous waste (HHW) program. If passed, this law would exempt certain types of household batteries from regulation under the hazardous waste control laws for hazardous waste. Once exempt, these batteries could then legally be disposed of at a municipal solid waste landfill or transformation facility. Should this bill be enacted, the CIWMB anticipates some confusion for HHW program operators, businesses, and the public in being able to identify which household batteries are exempt from regulation versus those that are still subject to regulation as a non-RCRA hazardous waste. The CIWMB strives to deliver sound, consistent messages to the public regarding the proper disposal of household hazardous wastes and anticipates that a change in the regulation of household batteries will require additional public education and outreach.

Should local government HHW programs that have been collecting and disposing of spent dry cell (zinc electrode) batteries as hazardous waste choose to dispose of these batteries at municipal solid waste landfills or transformation facilities, they will need to address the fact that the increase in disposal tonnage from this waste type into the landfill will need to be off-set by the addition or expansion of a diversion program for a different waste category in order for the jurisdiction to progress towards meeting its 50% diversion goal.

Meeting the 50 percent Diversion Goal by the Year 2000. The DTSC is currently analyzing possible changes in its Waste Classification codes, which may result in many, heretofore, "hazardous" waste types being re-classified from hazardous waste to non-hazardous (solid) waste, or exempted from regulation as a hazardous waste and therefore, allowed to be legally disposed in California municipal solid waste landfills. The declassification of numerous hazardous waste types could result in a cumulative increase in the amount of formerly hazardous waste entering municipal solid waste landfills which, in turn, local governments would need to address in planning to meet their mandated 50 percent diversion goal by the year 2000.

Exemption of Spent Dry Cells (Zinc Electrode) and Diversion Credit. It appears that this bill proposes to exempt the regulation of spent dry cell (zinc electrode) batteries as a non-RCRA hazardous waste such that these batteries could be legally disposed in all municipal solid waste landfills and transformation facilities. Currently, such batteries are considered household hazardous waste (HHW), and no diversion credit is given for their diversion in the base-year.

Chapter 1292, Statutes of 1992 (AB 2494, Sher) changed the diversion rate measurement system established by Chapter 1095, Statutes of 1989 (AB 939, Sher) from a generation-based to a disposal-based system. Therefore, jurisdictions only need to measure diversion of any waste type in their base-year and not in any subsequent years.

Residential household hazardous waste (HHW) (as a waste type) is counted toward disposal, so some batteries may have been included in a jurisdiction's base-year disposal amount. However, dry cell batteries are not listed as a separate waste type in the CIWMB's regulations, so it is not possible to determine a separate base-year disposal tonnage for this waste. Non-residential HHW, however, is considered to be a hazardous waste, and is not counted toward jurisdiction's base-year disposal. Since the CIWMB does not have authority over hazardous waste, jurisdictions were not required to measure or report hazardous waste disposal tonnage in their base-year waste studies. Thus, unless a jurisdiction was tracking the disposal amounts of a specific hazardous waste, it would be nearly impossible to determine base-year disposal tonnage for any specific hazardous waste for a specific

jurisdiction. However, it is current CIWMB policy that any solid waste that was “missed” from a jurisdiction’s base-year waste generation study can be added into their disposal or diversion, and generation tonnage, if the jurisdiction can provide a reasonable estimate of the quantity of the solid waste handled in the base year.

Exemption versus Reclassification. This bill would exempt a spent dry cell battery containing zinc electrodes from regulation under § 25216.3 of the Health and Safety Code as a non-RCRA hazardous waste rather than reclassify the waste from a non-RCRA hazardous to non-hazardous (solid) waste. Rather than reclassify the entire spent dry cell category containing zinc electrodes, based on the nature of the waste, which would be the straightforward, easy to understand, and likely enforceable way to handle this waste, the bill exempts a whole classification of non-RCRA hazardous waste based on either a “disposal location” or “storage/management” method this waste would be subject to. Overall, the “disposal location” or “storage/management” approaches are often confusing and for this waste type would raise numerous questions as to when a spent dry cell battery (zinc containing) is regulated as a hazardous waste or not regulated as a hazardous waste.

In the first case, the disposal location terms “municipal solid waste stream” which are not defined in statute or regulation, are confusing and may be interpreted differently by the regulated community, as well as the general public. For example, is a spent dry cell disposed of in the “municipal waste stream” when it is tossed out of a car window? when it is placed into a garbage can in a home?; when it is tossed into a river?; when placed in the landfill?; or when combusted in a transformation facility? If the intent of the bill is to state that a spent dry cell battery (zinc electrode) that is disposed of through landfill disposal or transformation at a permitted solid waste facility is solid (non-hazardous) waste, the bill should be amended to directly state this.

In the second case, the “storage/management” or accumulation of spent dry cell batteries (zinc electrode) not being regulated as a non-RCRA hazardous waste would be allowed if it can be shown that these batteries have a potential to be recycled, a means of being recycled and that at least 75 percent by weight or volume of the accumulated spent dry cell batteries are recycled or transferred to a different site for recycling during the calendar year. A person complying with these requirements can consider their accumulated spent dry cell waste as exempt from regulation as a non-RCRA hazardous waste under the proposed bill, but a person not complying with the proposed requirements would be subject to existing hazardous waste laws. The CIWMB has concerns, as the bill does not identify any specific management standards for spent dry cell (zinc electrode) which should be considered to protect health, safety and the environment.

Lack of Incentive for Recycling Spent Dry Cell Batteries (Zinc Electrode). Several battery businesses are currently recycling spent household batteries, including those with zinc electrodes. While the sponsors of this bill indicate that one of the objectives is to encourage the recycling of the spent dry cell (zinc electrode) batteries, it is not apparent at this time what incentives this bill offers to encourage such recycling. The CIWMB believes that given the choice, most HHW collection program operators, businesses and the public would choose to legally dispose of the spent dry cell batteries (zinc electrode) in a municipal solid waste landfill or a transformation facility as these are the most convenient and cheapest rather than to accumulate them for recycling.

Regulation of Facilities Accumulating Spent Dry Cell Batteries (Zinc Electrode) for Recycling. Section 25216.3(c) of the proposed bill identifies the conditions under which a person who is accumulating batteries is considered to be not accumulating speculatively. So long as the person complies with the

conditions, namely, identifying a potential recycling facility and **either recycles or transfers** 75% of the accumulated spent dry cell batteries, their spent dry cell battery waste is exempt as a non-RCRA hazardous waste. In other words, DTSC would require no permit for this type of activity so long as the conditions identified in the bill are being met. Neither would the CIWMB require a permit for this type of activity, as recycling operations are not under the purview of the CIWMB. The CIWMB is concerned that there would be minimal oversight of these persons and their accumulation facilities. Should the person not conduct their operation appropriately, the potential exists for large quantities of abandoned, hazardous waste batteries. One can imagine situations similar to the California pilot who was hired to dispose of cremated human remains at sea or over the Sierra, but decided to pocket the money and place the remains in storage facilities. He left a mess for someone else to clean up. The CIWMB believes this section of the bill does not include proper management standards for this waste type.

DTSC and the Universal Waste Rule. It appears that this bill, as proposed, runs counter to the management of batteries under the Universal Waste Rule and perhaps the direction that the DTSC is proposing for battery management in California. Federal law requires that all batteries that are hazardous wastes are subject to the Universal Waste Rule standards in 40 CFR Part 273. Currently, the categories of batteries that are regulated include nickel-cadmium, small sealed lead-acid, mercury containing and other rechargeable batteries. While spent dry cell batteries (zinc types) are currently not regulated under this standard by the federal government, it is the CIWMB's understanding that DTSC is preparing a regulations package that would require all (including zinc containing) batteries (except automotive lead-acid batteries) to be managed in accordance with the federal Universal Waste Rule regulations.

SUGGESTED AMENDMENTS

1. Delete "in the municipal solid waste stream" from proposed § 25216.3 (b) line 23-24 from the February 19, 1998 version of SB 1924 as the terms "municipal solid waste stream" are not defined in either statute or regulation and historically when used, result in confusion as to where waste can legally be disposed.
2. Delete the entire proposed § 25216.3 (c) which would allow that a person accumulating spent dry cell batteries containing zinc electrodes is not accumulating these materials speculatively, if the person demonstrates that the material is potentially recyclable, has a feasible means of being recycled, and that during the calendar year, the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. This amendment would eliminate the potential for numerous unregulated spent dry cell battery accumulation facilities, which would not be regulated by either the DTSC or the CIWMB.

LEGISLATIVE HISTORY

SB 1924 was introduced on February 19, 1998 and was referred to the Senate Environmental Quality Committee for policy committee assignment. A hearing on this bill has been scheduled for April 20, 1998.

Support: National Electrical Manufacturers Association

Oppose: None at this time.

FISCAL AND ECONOMIC IMPACT

SB 1924 would have no direct fiscal impact on the CIWMB or its programs. The exemption of the spent dry cell battery (zinc containing) from regulation as a non-RCRA hazardous waste would allow local governments operating HHW collection programs that accept these batteries the option of disposing of these batteries as solid waste. This would likely be a cost savings in most jurisdictions as the cost of landfilling spent batteries (zinc containing) as solid waste is usually less than the cost of recycling, landfilling or incinerating these batteries as hazardous waste. However, local governments would need to weigh the cost of their current disposal methods against other considerations such as the placement of these wastes in unlined landfills and potential future pollution as well as the environmental message that is delivered to the community. Local governments will also need to address the fact that the increase in disposal tonnage from this waste type into the landfill will need to be off-set by the addition or expansion of a diversion program for a different waste category in order for the jurisdiction to progress towards meeting it's 50% diversion goal. The declassification of this waste type would also result in decreased revenues for hazardous waste businesses.

April 17, 1998

**SUGGESTED AMENDMENTS
SB 1924 (As Introduced February 19, 1998)**

Beginning on page 3, delete lines 19 through 29, as follows:

- ~~(b) A spent dry cell battery containing zinc electrodes is not subject to regulation under this chapter as a non-RCRA hazardous waste, and is not otherwise subject to the requirements of this article, if the spent dry cell battery containing zinc electrodes is disposed of in the municipal solid waste stream or is accumulated for recycling, subject to the requirements of subdivision (c).~~
- ~~(c) Subdivision (b) does not authorize a person to accumulate spent dry cell batteries containing zinc electrodes speculatively within the meaning of "accumulated speculatively," as defined by Section 66260.10 of Title 22 of the California Code of Regulations, or as that regulation may be further amended or revised. However, a person accumulating spent dry cell batteries containing zinc electrodes is not accumulating these materials speculatively, for purposes of the regulations adopted pursuant to this chapter, if the person demonstrates that the material is potentially recyclable and has a feasible means of being recycled, and at least 75% by weight or volume of the accumulated spent dry cell batteries containing zinc electrodes are recycled or transferred to a different site for recycling during the calendar year.~~

Beginning on page 3, line 19, add Health and Safety Code § 25216.3 (b), as follows:

- (b) A spent dry cell battery containing zinc electrodes is not subject to regulation under this chapter as a non-RCRA hazardous waste, and is not otherwise subject to the requirements of this article, if the spent dry cell battery containing zinc electrodes is disposed of in a permitted municipal solid waste landfill as defined in Title 27, California Code of Regulations, § 20164 or in a permitted municipal solid waste transformation facility as defined in Public Resources Code, § 40201.





Legislative and External Affairs Office Status Report of Priority Bills

**State Legislation
1997/98 Session**

**Federal Legislation
105th Congress**

April 20, 1998

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Q-52



Legislative and External Affairs Office
Status Report of Priority Bills
April 20, 1998

Assembly Bills

Bill No: **AB 117 (Escutia) Sponsor: Author**
Subject: **Solid Waste: Demolition or Construction Debris**
Intro: Would prohibit, commencing April 1, 1999, the operation of a solid waste facility or
1/13/97 operation that handles demolition and construction debris, except as authorized by
Amended: Integrated Waste Management Act (Act) or regulations adopted by the CIWMB. The bill
7/3/97 would require the CIWMB to adopt tiered regulations by October 1, 1998, which adopt State
minimum standards for the operation of these facilities.
Status: Set to be heard before the Senate Environmental Quality Committee on 7/7/97; taken off
Calendar; held in the Senate Environmental Quality Committee on 7/15/97.

Bill No: **AB 228 (Midgen) Sponsor: Author**
Subject: **Solid Waste: Tires**
Intro: Would add abandonment of tires to the circumstances under which a person can be
2/5/97 convicted of a crime. AB 228 would also allow the CIWMB to obtain access to a site where
Amended: tires are unlawfully housed when the situation presents a significant threat to public health
4/2/98 and the environment. Finally, it would allow the CIWMB to designate any city, county, or
city and county, upon request thereby, to exercise enforcement authority and allow
penalties collected to go to the city, county, or city and county.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/20/98.

Bill No: **AB 376 (Baca) Sponsor: Author**
Subject: **Public Contracts**
Intro: Would require specified public contracts awarded by Caltrans of \$50,000 or over, annually
2/19/97 adjusted to reflect the consumer price index, to be awarded through a publicized
Amended: competitive bidding process involving sealed bids, with each contract being awarded to the
5/30/97 lowest qualified bidder.
Status: Set to be heard before the Senate Transportation Committee on 3/3/98; taken off calendar.

Bill No: **AB 964 (Bowen) Sponsor: Author**
Subject: **Solid Waste: Tires**
Intro: Would require the CIWMB to specify in any contract it enters into for waste tire pile cleanup
2/27/97 that the contractor provide a productive end use for all tires that are cleaned up.
Amended: Additionally, the bill would require the CIWMB, upon the request of the contractor, to permit
1/16/98 a portion of the waste tires (not to exceed 25% of the waste tire pile that the CIWMB
determines by resolution to be too old or contaminated to be put to a productive end use),
to be disposed of by landfilling or monofilling. Further, AB 964 would require the CIWMB,
as part of its annual Budget request, to allocate among the various purposes authorized by
the paving materials statute, the total funds requested for grants, loans, and contracts
under the tire recycling program.
Status: Passed the Assembly Floor (48-24) on 1/28/98; referred to the Senate Environmental
Quality Committee.

Bill No: **AB 1195 (Torlakson) Sponsor: Author**
Subject: **Hazardous Substances: Liability**
Intro: Under the Hazardous Substance Account Act, would require a statement of the reasons for
2/28/97 allocating responsibility to each respective potentially responsible party, and an analysis of
Amended: that allocation, including, but not limited to, specified factors pertaining to the amount of
4/21/97 hazardous substance for which the potentially responsible party may be responsible, the
degree of the toxicity of the hazardous substance, the degree of involvement of the
potential responsible party, and the potentially responsible party's degree of care and
cooperation with government officials.
Status: Referred to the Senate Judiciary Committee.

Bill No: **AB 1497 (Brown) Sponsor: Author**
Subject: **State Agencies: Leasing Real Property**
Intro: Would authorize any state department, board, or commission, subject to approval by DGS,
2/28/97 to lease any real property for storage, warehouse, or office purposes, provided that the lease
Amended: term does not exceed three years and the annual rental does not exceed \$50,000.
1/6/98
Status: Passed the Assembly Floor (79-0) on 1/28/98; referred to the Senate Governmental
Organization Committee.

Bill No: **AB 1513 (Cardoza) Sponsor: Thermo-Eco-Teck**
Subject: **Income and Bank and Corporation Taxes: Biomass Power**
Intro: Would state intent of the Legislature to develop and implement methods of providing
2/28/97 financial assistance to the biomass power industry; provided that the value of the public
Amended: benefits substantially exceeds the costs of assistance to the industry.
7/23/97
Status: Passed the Senate Revenue and Taxation Committee (8-0) on 7/16/97; referred to the
Senate Appropriations Committee.

Bill No: **AB 1637 (Aguilar) Sponsor: Author**
Subject: **Administrative Costs: State Government**
Intro: Would require the DOF to certify annually to the Controller that no State entity or State
1/5/98 agency withholds more than 5% of any Federal funds, as administrative costs when
Amended: administering or allocating Federal funds.
4/13/98
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and
Economic Development Committee on 4/21/98.

Bill No: **AB 1656 (Ducheny) Sponsor: Assembly Budget Committee**
Subject: **1998-99 Budget**
Intro: Would make an appropriation for support of State government for the 1998-99 fiscal year.
1/12/98 Urgency Measure.
Status: Referred to Assembly Budget Committee

Bill No: **AB 1664 (Murray) Sponsor: Author**
Subject: **State Contracts: Participation Goals**
Intro: Would provide for statewide participation goals of not less than 30% for small business enterprises with respect to professional bond services and State contracts, generally.
1/12/98
Amended: 4/13/98
Status: Set to be heard before the Assembly Utilities and Commerce Committee on 4/20/98 and the Assembly Utilities and Commerce Committee on 4/20/98.

Bill No: **AB 1699 (Ortiz) Sponsor: Author**
Subject: **Air Pollution: Rice Straw Burning**
Intro: Would require the ARB and the air pollution control officers in the Sacramento Valley Air Basin, in making a determination regarding the maximum allowable acres to be burned each day, to consider specified factors relating to rice straw burning, and, to reduce, to the maximum extent possible, the number of allowable acres to be burned on any day that the ARB and the air pollution control officers determine to be a marginal burn day. Additionally, the bill would require the DFA, in cooperation with the State Energy Resources Conservation and Development Commission, the CIWMB, and the ARB, to prepare and submit to the Legislature a study on ways of ensuring consistency and predictability in the supply of rice straw for cost-effective alternative uses, containing specified information, by September 1, 1999.
1/26/98
Amended: 3/24/98
Status: Passed the Assembly Natural Resources Committee (7-4) on 3/16/98; set to be heard before the Assembly Appropriations Committee on 4/22/98.

Bill No: **AB 1743 (Runner) Sponsor: Author**
Subject: **Rim of the Valley Trail Corridor: Boundary Revisions**
Intro: Among other things, would authorize an owner of property located in Elsmere Canyon, and its adjacent watershed, at any time, to request of the Santa Monica Mountains Conservancy, in writing, that his or her property be included within the boundaries of the Rim of the Valley Trail Corridor. The bill would authorize the Conservancy, upon receipt of such a request, in accordance with specified procedures, to revise the map showing the boundaries of the Rim of the Valley Corridor to include within the corridor the property in Elsmere Canyon or its adjacent watersheds that is the subject of the request.
2/3/98
Amended: 4/13/98
Status: Set to be heard before the Assembly Natural Resources Committee on 3/16/98; taken off Calendar; set to be heard before Assembly Natural Resources on 4/20/98.

Bill No: **AB 1799 (Migden) Sponsor: City and County of San Francisco**
Subject: **Unlawful Dumping: Increased Fines**
Intro: Would increase fines and penalties in the State Penal Code for unlawful dumping of solid waste matter.
2/10/98
Amended: 3/16/98
Status: Passed the Assembly Floor on 3/30/98; referred to the Senate Public Safety Committee.

Bill No: **AB 1859 (Ackerman) Sponsor: Department of General Services**
Subject: **Public Works: Insurance and Surety Requirements**
Intro: Would authorize a State or public agency to utilize owner-controlled or wrap-up insurance programs if specified conditions are met and would provide that safety requirements for a public works project subject to owner-controlled or wrap-up insurance programs may be developed jointly between a State or public agency and the prime contractor.
2/13/98
Status: Passed the Assembly Local Government Committee on 4/15/98; referred to the Assembly Appropriations Committee.

Bill No: **AB 1912 (Ashburn) Sponsor: Coalition for Preservation of Private Property Rights**
Subject: **Attorneys' Fees: Prevailing Public Entities**
Intro: Would permit the court to award attorneys' fees to a public entity if the public entity is the prevailing party in an action and if the court finds that an award is appropriate in the interest of justice.
2/17/98
Status: Failed passage before the Assembly Judiciary Committee on 4/14/98; author granted reconsideration; set to be heard before the Assembly Judiciary Committee on 4/21/98.

Bill No: **AB 2067 (Cunneen) Sponsors: Romic Environmental Technologies Corporation, WMX Technologies, Evergreen Oil and Safety Kleen**
Subject: **Hazardous Waste: State Agency Procurement**
Intro: Among other things would define "recycling" for purposes of the hazardous waste control laws, and would exempt, from the generator fee, recyclable materials that are transported offsite for a permitted hazardous waste facility for purposes of recycling at that facility.
2/18/98
Amended: 3/31/98
Status: Additionally, the bill would require all State agencies to purchase refined automotive lubricant, recycled antifreeze, recycled solvents, and recycled paint. Further, the bill would require, fitness and quality being equal, that all State agencies purchase specified types of recycled products, when the recycled product is available at a cost no greater than the cost of nonrecycled products, including building and construction materials, outdoor furnishings, indoor furnishings, and landscaping materials.
Passed the Assembly Environmental Safety and Toxic Materials Committee (5-1) on 3/24/98; referred to the Assembly Appropriations Committee.

Bill No: **AB 2179 (Assembly Legislative Ethics Committee) Sponsor: Assembly Legislative Ethics Committee**
Subject: **State Agencies: Ethics Orientation**
Intro: Would require each State agency to offer at least semiannually, and certain State officials and employees to attend once every two years, an orientation course on the relevant ethics statutes and regulations that govern the official conduct of State officials.
2/19/98
Amended: 4/15/98
Status: Passed the Assembly Elections, Reapportionment and Constitutional Amendments Committee on 4/13/98; referred to the Assembly Appropriations Committee.

Bill No: **AB 2181 (Firestone) Sponsor: Author**

Subject: **Solid Waste: Tires**

Intro: Would impose civil and criminal penalties for violation of waste tire law. The bill would
2/19/98 increase the tire fee from \$0.25 to \$0.50 and extend the payment of the fee until June 30,
Amended: 2004. AB 2181 would require shredded tires deposited in landfills to be shredded so that
4/2/98 50% by volume of the tire shreds are smaller than 6 inches in length and none are greater
than 12" in length. The bill would require tire fees deposited in the California Tire Recycling
Management Fund to be spent to promote the productive end use of waste tires under a
program that would certify productive end users and make them eligible for reimbursement
at a rate of \$0.20 per passenger tire equivalent.

Status: Passed the Assembly Natural Resources Committee (8-2) on 4/13/98; referred to the
Assembly Appropriations Committee.

Bill No: **AB 2237 (Escutia) Sponsor: Author**

Subject: **Environmental Protection: Loans and Grants: Environmental Loans and Grants:
Selection Criterion**

Intro: Among other things, would require the California Environmental Protection Agency and the
2/19/98 Resources Agency to make specified information relating to environmental loans and grants
Amended: from various departments, boards, offices, and commissions within the agencies available
4/15/98 to the public through an Internet website to assist organizations seeking financial support
for activities relating to environmental protection.

Status: Set to be heard before the Assembly Natural Resources Committee on 4/20/98.

Bill No: **AB 2273 (Woods) Sponsor: California Biomass Energy Alliance**

Subject: **Electric Utility Rates: Cost-Shifting: Reports**

Intro: Would require the Secretary of Cal/EPA, in consultation with relevant State and Federal
2/19/98 agencies, boards, and commissions, and with representatives of the solid-fuel biomass
industry, to prepare and submit to the Legislature a semiannual report, in accordance with a
prescribed schedule, on the existence, status, and progress of any public policy measures
for cost-shifting developed pursuant to those provisions.

Status: Passed the Assembly Utilities and Commerce Committee (13-0) on 4/13/98; set to be heard
before the Assembly Appropriations Committee on 4/22/98.

Bill No: **AB 2309 (Bowen) Sponsor: Author**

Subject: **Recycling Reports: Beverage Containers: Cullet**

Intro: Among other things, would additionally require the report under the beverage container act
2/19/98 to include recommendations regarding enhancing mobile recycling opportunities and a
Amended: report on the progress towards achieving maximum use of recycled materials in beverage
4/13/98 container manufacturing.

Status: Set to be heard before the Assembly Natural Resources Committee on 4/20/98.

Bill No: **AB 2353 (Olberg) Sponsor: California Integrated Waste Management Board**

Subject: **Surety Insurers**

Intro: Would authorize a State agency to impose additional or more stringent requirements upon
2/20/98 the insurer if they are adopted in order for the State agency to comply with Federal law and
would require that any such requirement be complied with before the insurer is deemed
sufficient.

Status: Set to be heard before the Assembly Judiciary Committee on 5/5/98.

Bill No: **AB 2397 (Bowen) Sponsor: Author**
Subject: **Environmental Quality Waste Disposal Facilities**
Intro: Would define "person," for the purposes of CEQA, to include any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies or political subdivision of those entities. The bill would additionally include within that definition of "person" for the purposes of CEQA, to the extent permitted by Federal law, the United States, or any of its agencies or political subdivisions.
2/20/98
Amended: 4/13/98
Status: Passed the Assembly Natural Resources Committee (7-3) on 4/13/98; referred to the Assembly Appropriations Committee.

Bill No: **AB 2420 (Olberg) Sponsor: California-Nevada Soft Drink Association**
Subject: **Processing Fees**
Intro: Among other things, this bill would require the DOC to set the recycling cost for PET containers as \$770 per ton and would delete the repeal of the existing processing fee calculation provisions.
2/20/98
Status: Set to be heard before the Assembly Natural Resources Committee on 4/20/98.

Bill No: **AB 2424 (Ackerman) Sponsor: Department of Toxic Substances Control**
Subject: **Hazardous Waste: Treatment**
Intro: Would allow a generator that generates hazardous waste in a laboratory certified by the State Department of Health Services to accumulate up to a specified amount of hazardous waste without a permit or other grant of authorization from the department if the generator complies with regulations adopted by the department pertaining to the management of hazardous waste in laboratories.
2/20/98
Amended: 2/2/98
Status: Joint referral to the Assembly Environmental Safety and Toxic Materials Committee and the Assembly Revenue and Taxation Committee; held in the Assembly Environmental Safety and Toxic Materials Committee on 4/14/98

Bill No: **AB 2432 (Bowen) Sponsor: Author**
Subject: **State Buildings: Bids**
Intro: Would provide that DGS, on or before January 1, 2000, shall required all bids submitted for the construction or renovation of State buildings that are used, in whole or in part, for State offices and are constructed by the State or in conjunction with any local or Federal agency, government, or department, to include specified provisions regarding energy efficiency, the use of recycled materials, and the consultation of public resources. Further, the bill would require DGS to adopt appropriate regulations on or before July 15, 1999, to implement these provisions.
2/20/98
Amended: 4/13/98
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on April 21, 1998.

Bill No: **AB 2480 (Prenter) Sponsor: Author**
Subject: **Economic Development: Funding Source "Hotline"**
Intro: Would provide for the establishment and maintenance in State government of an information data base and telephone "hotline" within an unspecified State agency, for the purpose of informing businesses and local governments and agencies about grants, loans, and other sources of funding and assistance that may be available to them.
2/20/98
Amended: 4/14/98
Status: Double-referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee and the Assembly Televising the Assembly and Information Technology Committee; set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/21/98.

Bill No: **AB 2503 (Goldsmith) Sponsor: Author**
Subject: **State Agencies: Continuation**
Intro: Would provide that every State agency, except for agencies directly administered by an
2/20/98 elected State officer or an elected governing board or any agency established by the California Constitution, that existed in State government on or before January 1, 1998, is abolished on January 1, 2005, unless the Legislature, by statute, authorizes continuation of the agency prior to that date.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/21/98.

Bill No: **AB 2521 (Wayne) Sponsor: California Association of Environmental Health**
Subject: **Administrators**
Solid Waste Facilities: Enforcement
Intro: Would extend the term of service for a member of a CIWMB independent hearing panel,
2/20/98 which hears grievances regarding solid waste facility operations and increases the
Amended: aggregate civil penalties for violations of solid waste facility regulations from \$15,000 to
4/13/98 \$50,000.
Status: Passed the Assembly Natural Resources Committee (7-2) on 4/13/98; set to be heard before the Assembly Appropriations Committee on 4/22/98.

Bill No: **AB 2531 (Cardoza) Sponsor: Stanislaus County**
Subject: **Solid Waste: Transformation Facilities**
Intro: Would provide that up to 25 percent of the 50 percent diversion requirement may include
2/20/98 transformation at the City of Commerce, City of Long Beach, or the County of Stanislaus transformation facilities, for cities, counties, or regional agencies that used these facilities on or before January 1, 1998.
Status: Failed passage before the Assembly Natural Resources Committee on (0-2) 4/13/98; author granted reconsideration.

Bill No: **AB 2555 (Aroner) Sponsor: Author**
Subject: **Solid Waste: Plastic Packaging Utilization**
Intro: Would mandate, by the year 2003, that producers and packagers of plastic packaging
2/23/98 material ensure that no more than 50 percent of their plastic packaging material offered for sale in California becomes waste, no more than 35 percent by the year 2006 and no more than 20 percent by the year 2010. Additionally, the bill would require the CIWMB, on or before July 1, 2004 and every other year thereafter, to report, as specified, to the Legislature and the Governor on the status of compliance with the provisions of this bill. The bill would make any violation of this chapter a civil penalty punishable by a fine of up to \$100,000 per violation. Further, the bill would require that funds derived from any such fine be deposited in the Integrated Waste Management Account and be available, upon appropriation by the Legislature, for specified purposes.
Status: Set to be heard before the Assembly Natural Resources Committee on 3/30/98; taken off Calendar; set to be heard before the Assembly Natural Resources Committee on 4/13/98; hearing put over to 4/20/98.

Bill No: **AB 2605 (Bowen) Sponsor: Author**
Subject: **Accountability and State Procurement Improvement Act**
Intro: Would enact the Accountability and State Procurement Improvement Act, to additionally set forth a scheme for the State's acquisition process with respect to goods and services.
2/23/98
Amended: 4/1/98
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/21/98.

Bill No: **AB 2625 (Richter) Sponsor: Author**
Subject: **Training in Government**
Intro: Would establish the California Representative Government Institute in State government to develop and carry out a program of continuing education and training for incoming and currently serving Members of the Legislature, administrative appointees, and business and academic leaders.
2/23/98
Status: Set to be heard before the Assembly Rules Committee on 4/23/98.

Bill No: **AB 2644 (Oller) Sponsor: Browning Ferris Industries (BFI)**
Subject: **Solid Waste Enterprise: Liability**
Intro: Would prohibit a local agency from requiring a solid waste enterprise to assume liability for the local agency's failure to meet the solid waste diversion requirements imposed by the California Integrated Waste Management Act of 1989, unless that local agency demonstrates that the local agency's failure to meet those diversion requirements was proximately caused by the solid waste enterprise.
2/23/98
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **AB 2673 (Machado) Sponsor: Author**
Subject: **Recycling: Postfilled Glass**
Intro: Would require the DOC to reduce the minimum percentage requirement by crediting toward that requirement the tons of postfilled glass used in California for secondary end uses, as defined, or otherwise diverted, as defined, from the California waste stream.
2/23/98
Amended: 3/31/98
Status: Set to be heard before the Assembly Natural Resources Committee on 4/20/98.

Bill No: **AB 2677 (Richter) Sponsor: Browning--Ferris Industries (BFI)**
Subject: **Solid Waste Enterprise: Liability**
Intro: Would prohibit a local agency from requiring a solid waste enterprise to assume any of the local agency's liability for any action relating to handling solid waste, unless the local agency demonstrates that the local agency's liability was proximately caused by the solid waste enterprise.
2/23/98
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **AB 2805 (Assembly Committee on Televising the Assembly and Information Technology) Sponsor: Assembly Committee on Televising the Assembly and Information Technology**
Subject: **State Procurement**

Intro: Would add provisions regarding disclosure of conflicts of interest and treatment of bid
3/16/98 responses to the general scheme for the procurement of goods and services by a State agency and would make the bill operative only if an unspecified bill of the 1997-98 Regular Session is enacted.

Status: Joint-referral to the Assembly Televising the Assembly and Information Technology Committee and the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee; passed the Assembly Televising the Assembly and Information Technology Committee on 4/13/98; referred to the Assembly Appropriations Committee; re-referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee and set for hearing on 4/21/98.

Bill No: **AB 2814 (Papan) Sponsor: Agricultural Council of California**
Subject: **Political Reform Act of 1974: Conflict of Interest: Public Officials Appointed by the Governor.**

Intro: Would extend to public officials appointed by the Governor the prohibitions against the
4/2/98 making or participating in the making of, or the use of an official position to influence, governmental decisions, as specified, where the public official knows or has reason to know that he or she has a financial interest.

Status: Referred to the Assembly Elections, Reapportionment and Constitutional Amendments Committee.

Bill No: **ACA 35 (Goldsmith) Sponsor: Author**
Subject: **Legislature: Overturning Administrative Records**

Intro: Would authorize the Legislature, by concurrent resolution, to reject and thereby render void
2/20/98 any regulation adopted or amend by a State administrative agency.

Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee 4/21/98.

Senate Bills

Bill No: **SB 2 (Thompson) Sponsor: Author**
Subject: **Parks and Resources Improvement**
Intro: Would address the critical need for park, recreation, and conservation areas. Urgency
Amended: Measure.
3/30/98
Amended:
4/13/98
Status: Joint referral to the Assembly Natural Resources Committee and the Assembly Water, Parks and Wildlife Committee; passed the Assembly Water, Parks and Wildlife Committee (10-3) on 3/24/98; set to be heard before the Assembly Natural Resources Committee on 4/13/98; taken off Calendar; set to be heard before the Assembly Natural Resources Committee on 4/20/98.

Bill No: **SB 130 (Thompson) Sponsor: Senate Budget Committee**
Subject: **1997-98 Budget**
Intro: Would make an appropriation for support of State government for the 1997-98 fiscal year. Urgency Measure.
1/9/97
Amended:
5/28/97
Status: Referred to the Assembly Budget Committee.

Bill No: **SB 143 (Kopp) Sponsor: Author**
Subject: **Records**
Intro: Would provide for public inspection of public records and copying of all forms, as specified. The bill would clarify that nothing shall limit the ability of elected members or officers of any State or local agency to access public records permitted by law in the administration of their duties.
1/13/97
Amended: 1/20/98
Status: Joint referral to the Assembly Governmental Organization Committee and the Assembly Judiciary Committee.

Bill No: **SB 213 (Kopp) Sponsor: Author**
Subject: **Legal Services: State**
Intro: Would authorize the Attorney General to limit or condition the purpose and length of State agency use of legal counsel other than the Department of Justice attorneys in judicial proceedings, in addition to merely approving or denying such use.
1/28/97
Amended: 1/16/98
Status: Joint referral to the Assembly Insurance Committee and Assembly Judiciary Committee.

Bill No: **SB 216 (Brulte) Sponsor: Author**
Subject: **Public Utilities: Electrical Restructuring**
Intro: Would make technical changes in provisions relating to the restructuring of the electrical services industry.
1/29/97
Amended: 5/20/97
Status: Referred to the Assembly Utilities and Commerce Committee.

Bill No: **SB 412 (Peace) Sponsor: Author**
Subject: **State Contracts: Conflict of Interest**
Intro: Would apply existing conflict of interest provisions generally applicable to State procurement
2/18/97 contracts to electronic data processing (EDP) and telecommunications procurements.
Amended: Urgency Measure.
1/22/98
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee.

Bill No: **SB 436 (Sher) Sponsor: Author**
Subject: **Solid Waste: Beverage Containers: Programs**
Intro: Would require the CIWMB, in consultation with the DOC, to prepare and submit to the
2/18/97 Legislature a report, not later than July 1, 1998, identifying any duplication or overlap
between CIWMB and DOC programs pertaining to public information and education, local
government review and assistance, and recycled materials market development. Urgency
Measure.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **SB 489 (Alpert) Sponsor: Los Angeles City Attorney**
Subject: **Public Records: Confidential Information**
Intro: Would provide that any public record that contains the home address or telephone number of
2/20/97 domestic violence victims is confidential and shall not be open to public inspection unless the
Amended: home address or home telephone number is obliterated or otherwise removed from the
3/12/98 record.
Status: Referred to the Assembly Judiciary Committee.

Bill No: **SB 598 (Sher) Sponsor: Author**
Subject: **Environmental Audits**
Intro: Would define the term "environmental audit" and would make related legislative findings and
2/24/97 declarations.
Amended:
4/9/97
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **SB 658 (Sher) Sponsor: Author**
Subject: **Environmental Protection: Peer Review Processes: Report**
Intro: Would require Cal/EPA to annually prepare and submit to the appropriate policy and fiscal
2/25/97 committees of the Legislature that review environmental protection bills a report on the
Amended: status of the implementation of those scientific peer review processes that contain specified
1/6/98 information relating to rules that are subject to peer review.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **SB 681 (O'Connell) Sponsor: Author**
Subject: **Beverage Containers: Reporting**
Intro: Would change the reporting period for redemption and recycling rates from six months to
2/25/97 one year. Additionally, the bill would change the definition of the glass beverage container
Amended: recycling rate to include refillable glass beverage containers in both the numerator and
1/20/98 denominator of the rate, which will slightly alter current DOC practices.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **SB 698 (Rainey) Sponsor: First Brands**

Subject: **Plastic Trash Bags**

Intro: Would, until January 1, 2001, require every manufacturer that manufactures plastic trash
2/25/97 bags of 0.75 mil or greater thickness, sold in California during specified calendar years, to
Amended: make prescribed calculations pertaining to the total weight of plastic trash bags sold in
3/26/98 California, to determine the recycled postconsumer material factor for the manufacturer for
the next calendar year and to certify to the CIWMB that it used the prescribed amount. The
bill would require the CIWMB, for every pound of postconsumer material purchased from a
source of postconsumer material for use in the manufacture of plastic trash bags, to credit
the manufacturer so certifying with having used 1.2 pounds of postconsumer material toward
compliance with the certification requirements. The bill would require the CIWMB to submit a
report to the Legislature by April 1, 2000, on, among other things, recommendations
regarding recycled plastic postconsumer material content requirements based on the
availability of that material. Urgency Measure.

Status: Passed the Assembly Natural Resources Committee (9-0) on 3/16/98; set to be heard before
the Assembly Appropriations Committee on 4/22/98.

Bill No: **SB 715 (Sher) Sponsor: Author**

Subject: **Environmental Quality**

Intro: Would require the Office of Planning and Research, as part of its existing public assistance
2/25/97 and information program to establish and maintain a central repository for the collection,
Amended: storage, retrieval, and dissemination of notices of exemption, notices of preparation, notices
5/27/97 of determination, and notices of completion and make the notices available through the
Internet. Additionally, the bill would make policy changes to CEQA.

Status: Joint referral to the Assembly Natural Resources Committee and the Assembly Televising
the Assembly and Information Technology Committee.

Bill No: **SB 878 (Karnette) Sponsor: City of Lakewood**

Subject: **Solid Waste: Diversion Requirements: Waste to Energy Credit**

Intro: Would authorize a city, county, or regional agency to submit to the CIWMB a revised source
2/26/97 reduction and recycling element that includes diversion waste credit through waste to
Amended: energy to be applied toward the 50% diversion requirement if specified conditions are met,
1/12/98 including that the waste to energy credit results from utilization of only the facilities in the
cities of Commerce and Long Beach and Stanislaus County, as permitted by the CIWMB
and as operational on or before January 1, 1990. Urgency Measure.

Status: Set to be heard before the Senate Environmental Quality Committee on 1/12/98; held in
Committee.

Bill No: **SB 988 (Sher) Sponsor: Author**

Subject: **Solid Waste Management**

Intro: Would repeal the Used Oil Recycling Act and the Used Oil Collection Demonstration Grant
2/27/97 Program Act of 1990 administered by the CIWMB. Additionally the bill would enact certain
provisions of the Used Oil Recycling Act as part of the California Oil Recycling Enhancement
Act, including provisions that would, among other things, require the CIWMB to: 1) coordinate
activities and functions with all other State agencies in information gathering; 2)
encourage the purchase of recycled oil products, and 3) encourage the procurement of
rerefined automotive and industrial oils for all State and local uses.

Status: Referred to the Assembly Natural Resources Committee.

Bill No: **SB 1047 (Sher) Sponsor: Author**
Subject: **Environmental Protection: Regulatory Implementation**
Intro: Would enact the California Environmental Protection Agency Regulatory Implementation Act
2/27/97 of 1997 without substantive provisions. Urgency Measure.
Amended:
1/5/98
Status: Joint referral to the Assembly Natural Resources Committee and the Assembly Televising the Assembly Committee.

Bill No: **SB 1175 (Sher) Sponsor: Author**
Subject: **Oil Recycling**
Intro: Would require the purchaser of lubricating oil that is exempt from the \$.16 per gallon amount
2/28/97 to give the seller of that oil an exemption certificate declaring that the oil is intended for use
Amended: in a manner that makes the oil exempt from the fee.
5/20/97
Status: Referred to the Assembly Floor Inactive File on 9/4/97.

Bill No: **SB 1196 (Leslie) Sponsor: Alpine County**
Subject: **Solid Waste Management: Plan: Countywide Siting Element**
Intro: Would exempt Alpine County from the requirement for a countywide siting element and a
2/28/97 summary plan content requirements until January 1, 2001, so long as Alpine County meets
Amended: specified requirements.
7/21/97
Status: Sent to the Assembly Floor Inactive File on 8/29/97.

Bill No: **SB 1304 (O'Connell) Sponsor: State Controller's Office**
Subject: **State Budget: Zero-Based Budgeting**
Intro: Would establish a task force during the 1998-1999 and 1999-2000 fiscal years to develop a
2/28/97 program of training and education to facilitate zero-based budgeting for the 2000-2001 fiscal year.
Status: Passed the Assembly Governmental Organization Committee (12-0) on 7/14/97; referred to the Assembly Budget Committee.

Bill No: **SB 1364 (Ayala) Sponsor: Author**
Subject: **Open Meetings: State Bodies**
Intro: Would make it a misdemeanor for a member of a State body to attend a meeting of that body
1/5/98 in violation of the Bagley-Keene Open Meeting Act with knowledge of the fact that the meeting is in violation of the act.
Status: Set to be heard before the Senate Governmental Organization Committee on 3/24/98; taken off Calendar; set to be heard in the Senate Governmental Organization Committee on 4/14/98; held in Committee; author granted reconsideration; set to be heard before the Senate Governmental Organization Committee on 4/21/98.

Bill No: **SB 1386 (Leslie) Sponsor: Author**
Subject: **State Computer Technology: Information Gathering**
Intro: Would require every State agency that maintains or operates an Internet website that utilizes
1/7/98 a device, identifier or other data base application to collect personal information about, compile the usage patterns of, or track the movements of any user who accesses the website, to disclose plain English specified information on the website, including notice to the user accessing the website that he or she has the option of avoiding the collection of personal information.
Status: Passed the Senate Governmental Organization Committee on 4/14/98; set to be heard before the Senate Appropriations Committee on 4/27/98.

Bill No: **SB 1391 (Thompson) Sponsor: Author**
Subject: **1998-99 Budget**
Intro: Would make an appropriation for support of State government for the 1998-99 fiscal year.
1/12/98 Urgency Measure.
Status: Referred to the Senate Rules Committee.

Bill No: **SB 1426 (Johannessen) Sponsor: Author**
Subject: **State Auditor**
Intro: Would require the State Auditor to examine and prepare a report to the Legislature on all
1/26/98 State governmental revenue sources to determine how funds that are raised are actually expended
Status: Referred to the Senate Governmental Organization Committee.

Bill No: **SB 1609 (Ayala) Sponsor: Author**
Subject: **State Forms: Public Access Telephone Number**
Intro: Would require each State form to include on the form a public access telephone number of
2/12/98 the State agency charged with administering the form.
Status: Set to be heard before the Senate Governmental Organization Committee on 4/21/98.

Bill No: **SB 1649 (Senate Local Government Committee) Sponsor: Senate Local Government Committee**
Subject: **Local Government Omnibus Bill of 1998**
Intro: Among other things, the bill would state that "fee-producing infrastructure project" or "fee-producing infrastructure facility" means that the operation of the infrastructure project or
2/13/98 facility will be paid for by the persons or entities benefited by or utilizing the project or facility.
Amended: Urgency Measure.
4/13/98
Status: Passed the Senate Local Government Committee (5-0) on 4/15/98; set to be heard before the Senate Appropriations Committee on 4/27/98.

Bill No: **SB 1812 (Hughes) Sponsor: Glass Packing Institute**
Subject: **Postfilled Glass: Processing Fees**
Intro: Among other things, would require the DOC to reduce the minimum percentage requirement
2/18/98 by crediting the number of the tons of postfilled glass used in California for secondary end uses or otherwise diverted from the State's solid waste stream as being included in the measurement of tons of postfilled glass used in the manufacturing of glass food, drink, and beverage containers.
3/23/98
Status: Set to be heard before the Senate Natural Resources and Wildlife Committee on 4/14/98; taken off Calendar.

Bill No: **SB 1824 (Calderon) Sponsor: Author**
Subject: **Used Oil: Recycling**
Intro: Would revise the definitions of the terms "used oil" and "recycled oil."
2/19/98
Amended:
4/14/98
Status: Set to be heard before the Senate Environmental Quality Committee on 4/20/98.

Bill No: **SB 1924 (McPherson) Sponsor: Author**
Subject: **Hazardous Waste: Dry Cell Batteries**
Intro: Would exclude spent dry cell batteries containing zinc electrodes as specified, from regulation and associated requirements as a non-Resource Conservation and Recovery Act (RCRA) hazardous waste, as defined. This exclusion would be predicated on: 1) spent dry cell batteries being disposed of in the municipal solid waste stream; or 2) if spent dry cells are accumulated for recycling that the person would need to demonstrate that the material is potentially recyclable and at least 75 percent by weight or volume of the accumulated spent dry cell batteries containing zinc electrodes be recycled or transferred to a different site for recycling during the calendar year.
2/19/98
Status: Set to be heard before the Senate Environmental Quality Committee on 4/20/98.

Bill No: **SB 2052 (O'Connell) Sponsor: Author**
Subject: **Beverage Containers: Processing and Handling Fees**
Intro: Among other things, this bill would repeal the requirement for the DOC to pay curbside programs a specified per-container rate as of January 1, 2004.
2/20/98
Status: Set to be heard before the Senate Natural Resources and Wildlife Committee on 4/14/98; taken off Calendar.

Bill No: **SB 2103 (Haynes) Sponsor: BKK Corporation**
Subject: **City of West Covina: Water Utility: Successor**
Intro: Would prohibit any purchaser or lessee of, or successor to, the water utility of the City of West Covina from prohibiting, taxing, or otherwise restricting the importation, conveyance, or sale by a retail water supplier of recycled water to, or the use of that water by, a closed hazardous waste and solid waste facility.
2/20/98
Status: Set to be heard before the Senate Agriculture and Water Resources Committee on 4/21/98.

Bill No: **SB 2119 (Hurt) Sponsor: Unknown**
Subject: **Public Records: Internet Access**
Intro: Would required State and local agencies that are required or directed by the Legislature to prepare and submit a report to the Legislature, to place the report on the Internet and to notify the Legislature by electronic mail via the Internet.
2/20/98
Status: Passed the Senate Governmental Organization Committee on 4/14/98; referred to the Senate Appropriations Committee.

Bill No: **SB 2172 (Sher) Sponsor: Author**
Subject: **Solid and Hazardous Waste Classification**
Intro: Would enact the California Solid and Hazardous Waste Classification Reform Act of 1998 and would make a statement of legislative findings and declarations regarding the identification, classification, and regulation of solid and hazardous waste.
2/20/98
Status: Referred to the Senate Environmental Quality Committee.

Bill No: **SCA 13 (O'Connell) Sponsor: State Controller's Office**
Subject: **State Budget: Zero-Based Budgeting**
Intro: Would amend the California Constitution to require that the budget submitted by the
3/17/97 Governor to the Legislature for the 2000-2001 fiscal year, and each subsequent fiscal year, be developed pursuant to zero-based budgeting for each State agency and set forth performance standards to be applied to those State agencies, together with a mechanism for evaluating whether those standards are satisfied in order to ascertain the effectiveness and efficiency of each of those agencies.
Status: Passed the Assembly Governmental Organization Committee (11-0) on 7/14/97; passed the Assembly Elections, Reapportionment and Constitutional Amendments Committee on 4/13/98; referred to the Assembly Appropriations Committee; withdrawn from the Appropriations committee and re-referred to the Assembly Budget Committee.

Bill No: **SCR 15 (Peace) Sponsor: Author**
Subject: **Public Utilities: Electrical Restructuring: Public Utilities Commission Reform**
Intro: Would create the Joint Oversight Committee on Electricity Restructuring and Reform to
2/5/97 oversee, until June 30, 1998, the implementation of AB 1890, SB 960, and SB 1322, relating
Amended: to electrical restructuring and PUC reform.
2/20/97
Status: Passed the Senate Floor (35-0) on 2/27/97; referred to Assembly Rules Committee for policy committee assignment.

Chaptered Bills

Bill No: **AB 107 (Ducheny) Sponsor: Assembly Budget Committee**
Subject: **1997-98 Budget**
Intro: Makes appropriations for support of State government for the 1997-98 fiscal year. Urgency
1/9/97 Measure.
Amended:
8/11/97
Status: Chaptered by the Secretary of State on 8/18/97; *Chapter 282, Statutes of 1997.*

Bill No: **AB 170 (Papan) Sponsor: Citicorp**
Subject: **Claims Against the State**
Intro: Enacts the California Prompt Payment Act, which specifies that certain provisions regarding
1/28/97 claims against the State may not be waived, altered, or limited by the State agency with
Amended: respect to a contract entered into on or after January 1, 1998, or the person or business
7/1/97 contracting on or after that date with the State agency. This bill provides that these
provisions are not to be construed to require a person or business contracting with a State
agency to have to submit a claim or invoice for payment of an interest penalty fee.
Status: Chaptered by the Secretary of State on 8/26/97; *Chapter 360, Statutes of 1997.*

Bill No: **AB 178 (Gallegos) Sponsor: Wynn Oil Company**
Subject: **Vehicles: Automotive Products.**
Intro: Allows the DFA to grant a variance from the ASTM chloride standard for recycled
1/29/97 automotive engine coolants or antifreeze.
Amended:
9/8/97
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 634, Statutes of 1997.*

Bill No: **AB 206 (Hertzberg) Sponsor: Author**
Subject: **Citizen Complaint Act of 1997**
Intro: Enacts the Citizen Complaint Act of 1997, which requires State agencies, including the
2/4/97 California State University, that maintain Internet web sites to make plain-language
Amended: complaint forms available on their Internet web sites by July 1, 1998, or within 6 months of
7/25/97 the establishment of a web site, so that residents of the State can register complaints or
comment about the performance of a State agency or about individuals licensed by the
State agency.
Status: Chaptered by the Secretary of State on 9/22/97; *Chapter 416, Statutes of 1997.*

Bill No: **AB 475 (Pringle) Sponsor: California Chamber of Commerce**
Subject: **Office of Permit Assistance: Reports**
Intro: Requires the Cal/EPA, the Resources Agency, and BOE to submit to the OPA, in the TCA,
2/24/97 an annual report of the total dollar amount of fees or charges collected or assessed by each
Amended: agency and subdivision, starting with calendar year 1999, with all other State agencies to
7/24/97 commence reporting in calendar year 2000. Cal/EPA, in consultation with OPA, other State
agencies, and the Joint Legislative Audit Committee is required to develop a reporting form
no later than July 31, 1998.
Status: Chaptered by the Secretary of State on 10/7/97; *Chapter 719, Statutes of 1997.*

Bill No: AB 847 (Wayne) **Sponsor:** *Appliance Recycling Centers of America*
Subject: **Discarded Major Appliances: Materials Requiring Special Handling: Hazardous Waste**
Intro: Provides that a hazardous waste generator is any person who removes from a major
2/27/97 appliance any material that requires special handling and is a hazardous waste. It requires
Amended: the DTSC or its enforcement agency to incorporate the regulation of materials that require
8/25/97 special handling and are hazardous wastes into existing inspection and enforcement
activities. The bill requires the DTSC to transmit a copy of the *Appliance Recycling Guide*,
published by the CIWMB, and any other materials determined to be necessary to ensure
compliance with the management of hazardous wastes removed from discarded
appliances, to specified persons and agencies.
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 884, Statutes of 1997.*

Bill No: AB 968 (Knox) **Sponsor:** *Author*
Subject: **Air Pollution: Fine Particles: Monitoring Program**
Intro: Requires the ARB to conduct an expanded and revised program of monitoring airborne fine
2/27/97 particles smaller than 2.5 microns in diameter (PM 2.5), and report annually by January 1 to
Amended: the Legislature on the status and results of the program.
9/2/97
Status: Chaptered by the Secretary of State on 9/29/97; *Chapter 518, Statutes of 1997.*

Bill No: AB 1097 (Brown) **Sponsor:** *Assembly Governmental Organization Committee*
Subject: **Open Meetings**
Intro: Deletes the repeal date of the law that authorizes a State body to hold an open or closed
2/27/97 meeting by teleconference.
Status: Chaptered by the Secretary of State on 7/8/97; *Chapter 52, Statutes of 1997.*

Bill No: AB 1571 (Ducheny) **Sponsor:** *Author*
Subject: **Budget Act of 1997: Augmentations**
Intro: Among other things, provides \$2.5 million from the General Fund to the Rice Straw
3/17/97 Demonstration Project Fund to fund apportionment by the ARB for research, development,
Amended: or demonstration projects on alternative uses of rice straw. Urgency Measure.
9/12/97
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 928, Statutes of 1997.*

Bill No: AB 1587 (Committee on Budget) **Sponsor:** *Author*
Subject: **Education Finance**
Intro: Among other things, provides \$1 million from the General Fund to the Superintendent of
3/17/97 Public Instruction for allocation to school districts in the 1997-98 fiscal year to ensure
Amended: children's safety on school playgrounds and reduce playground injuries by upgrading,
8/28/97 refurbishing, or replacing school playgrounds and playground facilities. Grants are to be
awarded in consultation with the DHS and CIWMB (use of recycled materials for equipment).
Urgency Measure.
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 889, Statutes of 1997.*
Line Item Although the Governor signed this legislation, he line-item vetoed the section relating to the
Veto by \$1 million allocation to school districts for upgrading playground facilities. In his signature
Governor: letter, the Governor stated that, "....Districts have received sufficient one-time revenues to
fund this need from local resources."

Bill No: **SB 90 (Sher) Sponsor: Author**
Subject: **Energy Resources: Renewable Energy Resources: Funding**
Intro: Requires electrical corporations to forward revenues derived from the renewable resource
12/18/96 technology fee to the CEC for deposit in the Renewable Resource Trust Fund and into
Amended: accounts in the Fund. Portions of the Fund would be continuously appropriated to the CEC
9/11/97 for production incentive payments to biomass, landfill gas, digester gas, whole-waste tires,
and municipal waste-to-energy facilities.
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 905, Statutes of 1997.*

Bill No: **SB 95 (Ayala) Sponsor: Author**
Subject: **Open Meetings**
Intro: Conforms the Bagley-Keene Open Meeting Act, which applies to State bodies, with the
12/19/96 Ralph M. Brown Act, which governs meetings of legislative bodies of local agencies.
Amended: 8/25/97
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 949, Statutes of 1997.*

Bill No: **SB 252 (Kelley) Sponsor: Regional Council of Rural Counties**
Subject: **Public Utilities: Electrical Restructuring**
Intro: Requires the Energy Resources Conservation and Development Commission to submit a
2/4/97 report to the Regional Council of Rural Counties, and to the Chairs of the Senate Energy,
Amended: Utilities and Communications Committee and the Assembly Utilities and Commerce
7/9/97 Committee, by July 1, 1998, on recommendations for legislation relating to aggregation of
electrical purchases by small rural counties. Urgency Measure.
Status: Chaptered by the Secretary of State on 9/25/97; *Chapter 479, Statutes of 1997.*

Bill No: **SB 318 (Thompson) Sponsor: California Farm Bureau Federation, California Rice
Industry Association and Rice Producers of California**
Subject: **Air Pollution: Rice Straw Burning**
Intro: Specifies the number of acres that may be burned in specified spring and fall months
2/11/97 through the year 2000, and would revise the conditions and procedures that apply after the
Amended: year 2000. The ARB is required to administer a demonstration program for the
9/8/97 development of new rice straw technologies through the awarding of grants from the Rice
Straw Demonstration Project Fund.
Status: Chaptered by the Secretary of State on 10/7/97; *Chapter 745, Statutes of 1997.*

Bill No: **SB 320 (Senate Housing and Land Use Committee) Sponsor: Committee**
Subject: **Housing and Land Use Omnibus Act of 1997**
Intro: Corrects technical and code cleanup problems discovered by builders, planners, and
2/11/97 housing advocates with the State statutes that affect housing, land use, and redevelopment
Amended: issues. The bill includes legislative intent regarding the authority of local agencies when
9/4/97 rice straw-bales are used as an alternative construction method.
Status: Chaptered by the Secretary of State on 9/29/97; *Chapter 580, Statutes of 1997.*

Bill No: **SB 458 (Peace) Sponsor: Author**
Subject: **State Agencies: Mail: Disclosure of Personal Information**
Intro: Prohibits a State agency, including the California State University, from sending any
7/1/97 outgoing United States mail to an individual that contains personal information about the
Amended: individual unless the personal information is contained within sealed correspondence and
9/5/97 cannot be viewed from the outside of that sealed correspondence.
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 685, Statutes of 1997.*

Bill No: **SB 492 (Rosenthal) Sponsor: Author**
Subject: **State Agencies and Regulatory Boards: Internet.**
Intro: Requires specified boards, programs and departments within the Department of Consumer
2/20/97 Affairs and the Department of Real Estate, on or before January 1, 1999, to provide public
Amended: information on the Internet, including, but not limited to, information relative to suspensions
7/22/97 and revocations of licenses issued by the State agency or regulatory board and other related
enforcement actions taken against persons, businesses, or facilities subject to licensure or
regulation by a State agency or regulatory board. The bill would not effect the CIWMB
because it is not one of the specified agencies required by the bill to post information on its
Internet site.

Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 661, Statutes of 1997.*

Bill No: **SB 504 (Johnston) Sponsor: Author**
Subject: **Administrative Law: Written Communication**
Intro: Requires, as part of the Administrative Procedure Act, that interested parties submitting
2/20/97 written communications to a State agency in quasi-judicial proceedings indicate the name of
Amended: the person who paid for the production of that communication. The bill authorizes a State
6/16/97 agency to refuse or ignore a written communication submitted by attorneys in a quasi-judicial
proceeding unless the written communication clearly indicates the client in the proceeding.

Status: Chaptered by the Secretary of State 8/4/97, *Chapter 192, Statutes of 1997.*

Bill No: **SB 660 (Sher) Sponsor: Author**
Subject: **Hazardous Waste Management: Hazardous Waste Management: Hazardous
Substance Response Actions: Fees**
Intro: Enacts the Environmental Cleanup and Fee Reform Act of 1997 that would, among other
2/25/97 things, restructure and simplify the existing hazardous waste fee system.

Amended:
9/10/97

Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 870, Statutes of 1997.*

Bill No: **SB 675 (Costa) Sponsor: Browning and Ferris Industries**
Subject: **Air Pollution: Odors**
Intro: Extends, until four years from the effective date of this bill, current provisions in law which
2/25/97 delegate primary regulatory responsibility for compost facility odors to local enforcement
Amended: agencies (LEAs). The bill requires an air district to report compost facility odor complaints
9/2/97 to a LEA within 24 hours or by the next working day. SB 675 requires: 1) the CIWMB to
convene a working group on or before April 1, 1998, to assist in the implementation of the
exemption; 2) the CIWMB and the working group to take specified actions by April 1, 1999;
and 3) the CIWMB to implement, by January 1, 2000, recommendations of the working
group that the CIWMB determines to be appropriate. Urgency Measure.

Status: Chaptered by the Secretary of State on 10/8/97; *Chapter 788, Statutes of 1997.*

Bill No: **SB 1034 (Maddy) Sponsor: Bioclean Industries**
Subject: **Health Facilities and Services: Medical Waste: Trauma Scene Waste Management**
Intro: Enacts the Trauma Scene Waste Management Act to regulate businesses that clean up
2/27/97 locations contaminated by blood or other specified bodily fluids. The bill requires the DHS to
Amended: regulate the waste management activities of these businesses, requires these businesses to
8/29/97 register with DHS and requires DHS to generate a list of registered companies, which would
be available to all local health officers and administrators. Additionally, SB 1034 provides
that the Office of Statewide Health Planning and Development have plan review
responsibilities for the construction or alteration of surgical clinics and chronic dialysis clinics.
Status: Chaptered by the Secretary of State on 10/7/97; *Chapter 732, Statutes of 1997.*

Bill No: **SB 1066 (Sher) Sponsors: City of San Jose, League of California Cities and**
Subject: **Californians Against Waste**
Solid Waste: Market Development
Intro: Authorizes the CIWMB to grant single or multiyear extensions to achieve the goals of the
2/27/97 Integrated Waste Management Act (Chapter 1095, Statutes of 1989). The bill requires the
Amended: CIWMB to consider specified circumstances in deciding whether to grant an alternative
9/8/97 source reduction, recycling, and composting requirement. It requires the Market
Development Plan developed by the CIWMB to include efforts to encourage and promote
cooperative, regional programs to expand markets for recycled materials, and include
activities to address problems and opportunities that are unique to rural, urban, and
suburban areas of the state. SB 1066 requires the CIWMB to develop a plan to provide
assistance to local agencies in the implementation of cost-effective programs that provide a
quality supply of recycled materials for markets. The bill authorizes the CIWMB to develop a
program to increase the use of compost products in agricultural applications. It requires the
CIWMB, the TCA, and the Treasurer to coordinate activities that will leverage financing for
market development projects and encourage joint activities to strengthen markets for
recycled materials. SB 1066 requires the CIWMB to assist market development efforts by
local agencies and the private sector, to use data resources collected from recycling,
composting and disposal activities, or from other sources, and to provide periodic information
on the recovery and availability of recycled materials. Finally, the bill requires the CIWMB,
by September 1, 1998, to submit a report to the Governor and the Legislature that details
specified matters regarding regulations and procedures concerning recycling by state
agencies.
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 672, Statutes of 1997.*

Bill No: **SB 1273 (Hurt) Sponsor: Author**
Subject: **State Agencies: Electronic Mail**
Intro: Authorizes State agencies, including the CIWMB, to send notices and other material by
2/28/97 electronic mail, at the request of the recipient. The bill authorizes a State agency to require
Amended: that direct costs incurred by the agency involving the electronic transmission of requested
9/10/97 information shall be paid by the requester.
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 687, Statutes of 1997.*

Bill No: **SB 1305 (Sher) Sponsor: Author**
Subject: **Public Utilities**
Intro: Establishes a program under which entities offering electric services disclose accurate,
2/28/97 reliable, and simple to understand information on the generation attributes of the electricity
Amended: that they propose to sell. The bill requires the Energy Resources Conservation and
9/8/97 Development Commission, in conjunction with the ARB and affected air districts, to issue a
report to the Legislature assessing air emission effects of electric utility restructuring by June
1, 1999.
Status: Chaptered by the Secretary of State on 10/9/97; *Chapter 796, Statutes of 1997.*

Bill No: **SB 1320 (Sher) Sponsor: Author**
Subject: **Environmental Protection**
Intro: Requires Cal/EPA or Cal/EPA boards, offices, and departments to enter into agreements
2/28/97 with external scientific entities for review of the scientific basis for proposed regulations that
Amended: are designed to protect public health or the environment. The bill requires boards, offices,
8/11/97 and departments to amend proposed regulations in accordance with the comments of the
scientific entity or explain the scientific foundation for agency actions that are contrary to the
comments of the scientific entity. Budget trailer bill.
Status: Chaptered by the Secretary of State on 8/18/97; *Chapter 295, Statutes of 1997.*

Bill No: **SB 1330 (Lockyer) Sponsor: Cattlemen's Association**
Subject: **Solid Waste: Farm and Ranch Cleanup and Abatement: Grant Program**
Intro: Requires the CIWMB to create a program of grants to cities and counties to cover the costs
2/28/97 of cleaning up solid waste illegally disposed on farm or ranch property.
Amended:
9/12/97
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 875, Statutes of 1997.*

Vetoed Bills

Bill No: **AB 84 (Woods) Sponsor: California Rice Industry Association & Rice Producers Association**

Subject: **State Contracts: Recycled Products Preferences**

Intro: Would have required State agencies to give a price preference, not to exceed 10 percent, to products manufactured with rice straw. Additionally, the bill would have required the CIWMB to implement this price preference program by July 1, 1998. The CIWMB could not expend more than \$110,000 from the Integrated Waste Management Fund to implement this program, of which no more than \$10,000 is allowed for administrative costs for the program. This program would have become inoperative on the date that the CIWMB has expended \$100,000 for funding claims. Additionally, AB 84 would have required the DGS to require the persons with whom they contract to use, to the maximum extent economically feasible in the performance of the contract work, these products.

Status: Vetoed by the Governor on 10/10/97.

Veto: In his veto message, the Governor stated that, "...While the intent of the bill may have merit, I am concerned that the bill may be premature. Last year, I signed AB 3345 (Chapter 991, 1996) which requires the Waste Board to complete a study on uses of agricultural wastes, including rice straw, by January 1, 2000. I believe that any new program involving the use of agricultural wastes should await completion of that study. In addition, there appears to be no basis to elevate rice straw products to a higher status for price preferences, as past price preferences claims programs have not been successful. Further, the bill would result in a significant unfunded cost to the Waste Board which would adversely impact existing high-priority programs such as permitting, enforcement and education."

Bill No: **AB 179 (Bowen) Sponsor: Author**

Subject: **Public Records**

Intro: Would have provided for public inspection of public records and copying in all forms, and would have specified that electronic access to identifiable public records shall not be construed to permit public access to records held by the DMV or the CHP. The bill would have expressly stated that an elected member or officer of any State or local agency is entitled to access to public records of that agency on the same basis as any other person. The bill would have limited the authorization to apply for judicial relief under the California Public Records Act to persons who submitted a written request for a public record and that request was denied or the agency to which the request was directed has failed to respond in a timely manner.

Status: Vetoed by the Governor on 10/12/97.

Veto: In his veto message, the Governor stated that, "...This bill creates a new inflexible mandate by requiring the agency to provide the electronic data in the form requested, unless it is "unreasonable" to do so, without ever defining the breadth of that exemption, thereby leaving it open to litigation. A request that an electronic record is provided in a particular form may require additional expense, burden, and time to segregate the public data from the exempt data, but the bill provides no guidance whether or to what extent that additional burden makes it "unreasonable."

Additionally the Governor stated, "...Agencies should make available to the public all documents to which public access is granted. But we need not add costs and rigidity to these obligations by specifying the form in which it will be done."

Bill No: AB 705 (Strom-Martin) **Sponsor:** Californians Against Waste
Subject: State Recycling
Intro: Would have required, upon the request of a local agency, that any State agency declare to
2/26/97 what extent it intends to utilize programs or facilities established by the local agency for the
Amended: handling, diversion, and disposal of solid waste. If the State agency did not intend to utilize
9/5/97 those established programs or facilities the bill would have required the State agency to
identify sufficient disposal capacity for waste that is not source reduced, recycled, or
composted. Additionally, AB 705 would have reenacted provisions of law that required all
State agencies to purchase certain recycled products if they meet quality and cost
considerations. The bill would have included building and construction materials, outdoor
furniture, and landscaping materials within the definition of recycled products for purposes of
procurement requirements for State agencies.
Status: Vetoes by the Governor on 10/4/97.
Veto In his veto message, the Governor stated that, "...this bill states that upon the request of the
Message: local agency, any state agency shall declare to what extent it intends to utilize programs or
facilities established by the local agency for the disposal of solid waste. If the state agency
declines to utilize the locally established program or facility, it is required to identify sufficient
disposal capacity for its resulting waste. Although this immediately follows the intent
language about state and local agencies working together, this section provides nearly
unlimited authority for local agencies to require a state agency to respond to this
burdensome request. As written, the provision is broad, undefined in critical areas, and
displays a lack of respect for the overall sovereignty of state agencies and a lack of
understanding of state agency operations and of relevant codes and regulations."

Bill No: AB 1055 (Villaraigosa) **Sponsor:** Author
Subject: Playground Equipment and Facilities: Grant Program: Safety: Recycled Materials
Intro: Would have enacted the Playground Safety and Recycling Act of 1997. The Act would have
2/27/97 established, until July 1, 2001, the playground safety and recycling grant program
Amended: administered by SDE, in consultation with DHS. The purpose of AB 1055 was to provide
9/9/97 grants to local agencies to upgrade and improve local playgrounds. Additionally, the bill
would have provided as a condition for a local agency to be eligible for grant funds, that
funds would be used for the improvement or replacement of playground equipment or
facilities through the use of recycled materials. Urgency Measure.
Status: Vetoes by the Governor on 10/12/97.
Veto In his veto message, the Governor stated that, "...A state-funded grant program is
Message: unnecessary. Playground facilities are an integral plan of the school infrastructure. Any
installation, upgrades, repairs, or replacements may be done in the course of regular
operations, based upon the individual school's priorities, and utilizing funding already
provided through a variety of sources."

Bill No: AB 1157 (Wayne) **Sponsor:** Author
Subject: Hazardous Waste: Variance
Intro: Would have required the DTSC to issue a public notice not less than 30 days immediately
2/28/97 preceding the date of the proposed granting of the hazardous waste variance, unless the
Amended: issuance of the variance was immediately required to protect human health or the
7/18/97 environment.
Status: Vetoes by the Governor on 9/21/97.
Veto In his veto message, the Governor stated that, "...enactment of AB 1157 would increase
Message: costs for businesses by unnecessarily impeding business operations for an additional 30
days, without providing any demonstrated level of health and safety benefits beyond the
existing requirements."

Bill No: AB 1293 (Bowen) **Sponsor:** *Author*
Subject: **Geographic Information Systems**
Intro: Would have enacted the Strategic Geographic Information Investment Act of 1997. It would
2/28/97 have required the Resources Agency to establish a Geographic Information Systems Panel
Amended: (GISP) responsible for implementing a grant program and the Geographic Information Grant
9/5/97 Fund (GIGF) to serve as an alternative source of funds for public agencies to create and
maintain geographic information data bases.
Status: Vetoed by the Governor on 10/10/97.
Veto In his veto message, the Governor stated that, "...Among other concerns, it is counter-
Message: intuitive to create an advisory panel with seven or more members, pay their travel and per
diem and call the action government efficiency. This is particularly true when most of the
goals of this program are achievable under existing law. In short, this bill is unnecessary and
creates an infrastructure to accomplish what can be done in its absence."

Bill No: SB 74 (Kopp) **Sponsor:** *California Newspaper Publishers Association*
Subject: **Records**
Intro: Would have provided for public inspection of public records and copying of all forms, as
12/12/96 specified. The bill would have clarified that nothing shall limit the ability of elected members
Amended: or officers of any State or local agency to access public records permitted by law in the
8/11/97 administration of their duties.
Status: Vetoed by the Governor on 9/12/97.
Veto In his veto message, the Governor stated that, "...This bill creates a new inflexible mandate
Message: by requiring the agency to provide the electronic data in the form requested, unless it is
"unreasonable" to do so, without ever defining the breadth of that exemption, thereby
leaving it open to litigation. A request that an electronic record is provided in a particular
form may require additional expense, burden, and time to segregate the public data from the
exempt data, but the bill provides no guidance whether or to what extent that additional
burden makes it 'unreasonable.' Agencies should make available to the public all documents
to which public access is granted. But we need not add costs and rigidity to these
obligations by specifying the form in which it will be done."

Bill No: SB 451 (Watson) **Sponsor:** *California State Bar*
Subject: **Land Use: General Plans: Environmental Equity**
Intro: Would have required the local governments' general plans to provide for the general location
2/19/97 of commercial and industrial land uses that are regulated because of handling of hazardous
Amended: materials to avoid concentrating these uses in close proximity to schools or residential
8/27/97 communities and to provide for the fair treatment of people, regardless of race, culture or
income level.
Status: Vetoed by the Governor on 9/28/97.
Veto In his veto message, the Governor stated that, "...The process to site and develop a solid
Message: and/or hazardous waste facility is an intensive exercise in environmental documentation,
geographical consideration, public hearings, and state and local permitting procedures. The
law presently contains an abundance of planning requirements, including provision of
extensive public hearings to address environmental and other land use planning concerns
that include and exceed those contained in this bill. Specifically, regular periodic amendment
of local community general plans is required by law to be made in compliance with the
extensive projects of CEQA. This bill will add nothing of practical value to the present
extensive and rigorous protections and planning requirements demanded by existing law."

Bill No: SB 1113 (Solis) *Sponsor: Author*
Subject: **Environmental Quality: Minority and Low-Income Populations**
Intro: Would have required the Office of Planning and Research, by January 1, 2000, to
2/28/97 recommend changes to the CEQA guidelines to provide for the identification and mitigation
Amended: by public agencies of disproportionately high and adverse environmental effects of projects
7/11/97 on minority populations and low-income populations. The bill would have required the
Secretary of Resources Agency to certify and adopt those recommended changes by
January 1, 2000.
Status: Vetoed by the Governor on 10/4/97.
Veto In his veto message, the Governor stated that, "... The state environmental laws do not
Message: provide separate, less stringent requirements, or lower standards in minority and low-income
communities. Environmental laws are, and should remain, color-blind. The California
Environmental Quality Act was not designed to be used as a tool for a social movement.
The California Environmental Quality Act is a cumbersome process and any changes made
to it should be to streamline the current process, not add new requirements that will only
negatively affect the economy and the people of this state."

Bill No: SB 1179 (Polanco) *Sponsor: Browning and Ferris Industries*
Subject: **Solid Waste Enterprise: Indemnity Obligation: Diversion Penalty**
Intro: Would have restricted the ability of local government to impose monetary penalties on solid
2/28/97 waste enterprises for the enterprises' failure to meet solid waste diversion mandates
Amended: specified in the Integrated Waste Management Act.
8/28/97
Status: Vetoed by the Governor on 10/13/97.
Veto In his veto message, the Governor stated that, "... To assert that solid waste management
Message: enterprises cannot indemnify losses based upon their own breach without the state's
intervention to negotiate the terms of the agreement is ludicrous on its face. Thousands of
contracts incorporate performance provisions that offer incentives or impose specific
damages. These contracts are routinely drafted and enforced without government
intervention.

When government ventures into the arena of contractual negotiations it is generally to protect an obviously disadvantaged party. In this instance it appears that the state is being asked to protect the industry from itself. Indeed there is significant evidence that the industry is responsible for the proliferation of waste diversion indemnification agreements. Various solid waste management providers have offered to indemnify prospective clients to gain an advantage in a competitive marketplace.

The problem contemplated in SB 1179 is prospective in that no solid waste enterprise has ever been asked to indemnify a local governmental agency for waste diversion penalties because no such penalties have ever been imposed. In addition, my recent signing of SB 1066 (Sher), which authorizes waste diversion variances and time extensions, makes it significantly less likely that diversion penalties will be imposed precipitously.

Nonetheless, it's arguable that local government agencies should be precluded from shifting responsibility for their own failure to comply with state law even to a willing solid waste enterprise.

I would accordingly be willing to consider legislation which clearly, concisely and prospectively provides that a solid waste enterprise may not indemnify a governmental agency by obligating itself to pay waste diversion penalties unrelated to its own performance.

Dead Bills

- * Joint Rule 56: Bills introduced during the first year of the Session, which fail to get out of their House where they were introduced by January 31st of the second year of the Session, are considered dead.

Bill No: **AB 306 (Kaloogian) Sponsor: Intelligen, Inc.**
Subject: **Public Utilities: Electrical Restructuring**
Intro: Would include microcogeneration as one of the described changes in usage for the
2/14/97 uneconomic costs applied to each customer based on the amount of electricity purchased by the customer from an electrical corporation or alternate supplier of electricity, subject to changes in usage occurring in the normal course of business.
Status: Referred to Assembly Utilities and Commerce Committee; Joint Rule 56 invoked.

Bill No: **AB 362 (Bowen) Sponsor: Author**
Subject: **Environmental Advertising**
Intro: Would make it unlawful to represent a manufactured or distributed consumer good as
2/19/97 "ozone friendly," biodegradable or photodegradable unless that product meets certain
Amended: definitions. In addition, this bill would specify that if the Federal Trade Commission adopts
5/22/97 trade rules defining environmental marketing terms, these rules could be used in lieu of the definitions in this bill. Finally, it would require a product labeled as "recycled" to list the amount of postconsumer waste the product contains without specified percentages.
Status: Failed passage before the Assembly Appropriations Committee on 5/7/97; reconsideration granted; failed passage before the Assembly Appropriations Committee on 5/21/97; reconsideration granted; failed passage before the Assembly Appropriations Committee (6-8) on 5/28/97; Joint Rule 56 invoked.

Bill No: **AB 375 (Firestone) Sponsor: Author**
Subject: **Solid Waste: Tires: Tire Wholesalers: Tire Recovery Programs**
Intro: Would require an amount equal to 50 cents to be paid by each motor vehicle manufacturer
2/19/97 and each tire wholesaler for every new tire that is sold, used, or transferred in California;
Amended: and would establish a tire recycling reimbursement program until June 30, 2002. The bill
5/27/97 would require all State agencies to give a purchase preference to asphalt pavement containing recycled rubber, and would prescribe minimum combined State agency utilization requirements for asphalt pavement containing recycled rubber. AB 375 would require the CIWMB, as part of its annual budget request, to allocate funds requested for grants, loans, and contracts under the tire recycling program. Finally, the bill would require a two-thirds vote of the Legislature because the charge levied against tire wholesalers and motor vehicle manufacturers would be classified as a State tax.
Status: Failed passage on the Assembly Floor (20-41) on 6/2/97; author granted reconsideration; sent to the Assembly Floor Inactive File; *Joint 56 Rule invoked.

Bill No: **AB 529 (Baldwin) Sponsor: Author**
Subject: **State Funds**
Intro: Would provide that specified Budget Act revenues shall be deposited in the General Fund
2/24/97 and not be expended unless the Legislature authorizes that expenditure in the Budget Act
Amended: or in other legislation for the performance of special audits and investigations by the State
5/5/97 Auditor.
Status: Failed passage before the Senate Governmental Organization Committee (4-5) on 6/17/97; reconsideration granted; failed passage before the Senate Governmental Organization Committee (2-3) on 7/1/97.

Bill No: **AB 733 (Washington) Sponsor: California State Bar**
Subject: **Hazardous Materials: Hazardous and Solid Waste: Public Education**
Intro: Would require the Director of DTSC to develop for grades K-12 a public education program,
2/26/97 providing curricula on hazardous materials and hazardous and solid waste facilities, and a
Amended: statewide public education campaign to meet those objectives.
1/5/98
Status: Set to be heard before the Assembly Environmental Safety and Toxic Materials Committee
on 1/13/98; hearing cancelled at the request of the author.

Bill No: **AB 775 (Martinez) Sponsor: Author**
Subject: **Public Agencies: State Funds**
Intro: Would require a public agency, upon a court determination that it knowingly violated a State
2/26/97 law or local ordinance relating to sexual discrimination, to return any State or local funds
Amended: that it has received but not yet expended and would provide that the public agency is
4/16/97 ineligible to receive additional State or local funds until it is in compliance with the State law
or ordinance.
Status: Failed passage before the Assembly Consumer Protection, Governmental Efficiency, and
Economic Development Committee (3-0) on 4/22/97; author granted reconsideration; Joint
Rule 56 invoked.

Bill No: **AB 1111 (Martinez) Sponsor: Author**
Subject: **Bid Announcements: Criteria and Specifications**
Intro: Would require a public entity, in awarding a contract pursuant to a public bidding process, to
2/27/97 accept the lowest responsible bid that most closely follows the criteria or specifications, or
both, contained within the announcement for bids, or reject all bids and initiate a new
announcement, containing new criteria or specifications, or both, and a new bidding
process.
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic
Development Committee.

Bill No: **AB 1170 (Kaloogian) Sponsor: Author**
Subject: **State Regulatory Agencies Created by Statutes: Review**
Intro: Would require the Bureau of State Audits, by January 1, 2004, to conduct a performance
2/28/97 audit of each State regulatory agency, with specified exceptions. After the audit is
Amended: complete, the bill would require the Bureau to hold a public hearing to review the report and
5/1/97 require a copy of the report to be made available to the Legislature and the Governor.
Status: Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the
Assembly Appropriations Committee.

Bill No: **AB 1179 (Woods) Sponsor: California Biomass Energy Alliance**
Subject: **Watershed Rehabilitation and Restoration: Statewide Plan**
Intro: Among other things, would require CDF, in consultation with relevant Federal, State, and
2/28/97 local agencies, including, but not limited to, the DFG, the SWRCB and the biomass power
Amended: industry, to develop a strategic statewide plan to promote the rehabilitation and restoration
5/5/97 of significant State watersheds.
Status: Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the
Assembly Appropriations Committee on 5/30/97.

Bill No: **AB 1273 (Woods) Sponsor: CIWMB**
Subject: **Solid Waste Management**
Intro: Would make a number of technical, definitional, and code clean-up provisions regarding
2/28/97 solid waste management.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **AB 1383 (Aroner) Sponsor: Author**
Subject: **Private Activity Bonds**
Intro: Would require the California Debt Limit Allocation Committee to allocate at least 85 percent
2/28/97 of the State's ceiling on private activity bonds to housing bonds and not more than 10
Amended: percent of the State's ceiling to exempt facility bonds. The bill would authorize the
4/21/97 Committee to reallocate unused portions of the housing bond allocation to other bonds,
including exempt facility bonds.
Status: Set to be heard before the Assembly Banking and Finance Committee on 5/12/97; taken off
Calendar. The author has made this a 2-year bill; Joint Rule 56 invoked.

Bill No: **AB 1393 (Alquist) Sponsor: State Controller's Office**
Subject: **State and Local Government: Performance Audits**
Intro: Would require each State agency and authorize any county, city, city and county, or
2/28/97 community college district, to conduct a performance audit of its activities and operations in
Amended: order to identify opportunities to reduce costs or duplicative of another agency within four
5/1/97 years of the effective date of the bill.
Status: Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the
Assembly Appropriations Committee on 5/30/97.

Bill No: **AB 1409 (Baugh) Sponsor: Caltrans**
Subject: **Governmental Tort Liability**
Intro: Would revise the definition of dangerous condition for the purposes of governmental tort
2/28/97 liability to apply to a condition of property that creates substantial risk of injury when that
property or adjacent property is used with due care by all persons necessary for that risk of
injury to occur and in a manner in which it is reasonably foreseeable that it will be used.
Status: Set to be heard before the Assembly Judiciary Committee on 1/13/98; taken off Calendar;
Joint Rule 56 invoked.

Bill No: **AB 1512 (Shelley) Sponsor: Californians Against Waste**
Subject: **Beverage Containers: Recycling: Beverages**
Intro: Would expand the types of containers that qualify under the California Beverage Container
2/28/97 Recycling and Litter Reduction Act. The bill would require the DOC on or after March 1,
Amended: 1998, to deposit specified revenue received as the result of the inclusion of newly-defined
5/5/97 beverage containers into the continuously appropriated California Beverage Container
Recycling Fund.
Status: Passed the Assembly Natural Resources Committee (7-4) on 4/21/97; referred to the
Assembly Appropriations Committee; Joint Rule 56 invoked.

Bill No: **SB 58 (Ayala) Sponsor: Author**
Subject: **State Agencies Legislation**
Intro: Would require every State agency that may be significantly affected by a bill to prepare an
12/5/96 analysis of the bill and deliver that analysis to the bill's author and each policy committee
set to hear that bill no later than seven calendar days prior to the first hearing in that
committee.
Status: Set to be heard before the Senate Governmental Organization Committee on 7/7/97; taken
off Calendar; Joint Rule 56 invoked.

Bill No: **SB 179 (Hughes) Sponsor: Glass Packaging Institute**
Subject: **Processing Fees**
Intro: Would make nonsubstantive technical changes in California Beverage Container Recycling
1/22/97 and Litter Reduction Act provisions relating to imposition of the processing fee that is
Amended: effective until January 1, 1999.
5/14/97
Status: Referred to the Senate Natural Resources and Wildlife Committee; Joint Rule 56 invoked.

Bill No: **SB 209 (Kopp) Sponsor: California Law Revision Commission**
Subject: **Judicial Review: Governmental Agency Actions**
Intro: Would repeal and add provisions relating to governing judicial review of decisions of State
1/28/97 agencies, local agencies, public corporations, and specified nongovernmental entities
Amended: (hospital boards, etc.).
1/5/98
Status: Failed passage before the Senate Judiciary Committee on 1/13/98.

Bill No: **SB 261 (Kopp) Sponsor: California Law Revision Commission**
Subject: **Judicial Review: Government Agency Actions**
Intro: Would make judicial review of specified State agency and local agency actions subject to
2/5/97 the provisions being added by SB 209 (becomes operative only if SB 209, above, is
Amended: enacted into law).
1/5/98
Status: Failed passage before the Senate Judiciary Committee on 1/13/98.

Bill No: **SB 423 (Hurt) Sponsor: Author**
Subject: **Environmental Audit Reports: Privilege: Voluntary Noncompliance Disclosure: Immunity**
Intro: Would enact the Environmental Audit Privilege and Voluntary Noncompliance Disclosure
2/18/97 Act of 1997.
Status: Failed passage before the Senate Environmental Quality Committee (3-6) on 4/21/97;
author granted reconsideration.

Bill No: **SB 424 (Hurt) Sponsor: Author**
Subject: **Environmental Quality**
Intro: Would require an environmental impact report only on projects that are likely to have a
2/18/97 significant effect on the environment.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97; taken off
Calendar; Joint Rule 56 invoked.

Bill No: **SB 647 (Brulte) Sponsor: California Manufacturers Association**
Subject: **Environmental Requirements**
Intro: Would prohibit the assessment of any civil or administrative sanction against any person
2/25/97 who fully discloses a minor violation of an environmental requirement to the regulatory agency having jurisdiction over the matter.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97; hearing put over. The author has made this a 2-year bill; Joint Rule 56 invoked.

Bill No: **SB 774 (Johannessen) Sponsor: Author**
Subject: **Restoration of Land: Disasters: CEQA Exemption**
Intro: Would provide that land and any appurtenant structures, as defined, in need of repairs due
2/26/97 to any natural or manmade disaster or an emergency are exempt from CEQA and any other environmental review for purposes of restoring the land and any appurtenant structures to the state in which they existed immediately prior to the natural or manmade disaster or emergency if an application for an exemption is made within a specified period of time.
Status: Referred to the Senate Environmental Quality Committee; Joint Rule 56 invoked.

Bill No: **SB 906 (Lee) Sponsor: Black Lawyers of the State Bar**
Subject: **Hazardous Waste Management Plans**
Intro: Among other things, would require the county plan to include an analysis of the expected
2/27/97 rates of hazardous waste production until 1999, and would additionally require the county plan to include specified information regarding the demographics of the community within a
Amended: 10-mile radius of each hazardous waste stream and facility, and the consideration of
4/3/97 specified environmental equity goals.
Status: Set to be heard before the Senate Environmental Quality Committee on 1/12/98; hearing cancelled at the request of the author; Joint Rule 56 invoked.

Bill No: **SB 1000 (Rosenthal) Sponsor: Author**
Subject: **Future California Act of 1998**
Intro: Would, among other things, establish the Future California Act of 1998, a venue to examine
2/27/97 the State's future in its many dimensions, including demography, industry, environment,
Amended: policy, international relations and development.
4/23/97
Status: Sent to the Senate Appropriations Committee Suspense File on 5/19/97; held in the Senate Appropriations Committee on 5/29/97.

Bill No: **SB 1018 (Leslie) Sponsor: California Cattlemen's Association**
Subject: **Private Property: Illegal Dumping**
Intro: Would provide that in any case involving illegal dumping or littering of waste material on
2/27/97 private property located adjacent to a public road, highway or right-of-way without the consent of the private property owner, the private property owner shall neither be liable for the cost of the cleanup of illegally dumped or littered waste material, nor have the duty to provide for such cleanup.
Status: Referred to the Senate Judiciary Committee; Joint Rule 56 invoked.

Bill No: **SB 1093 (Rainey) Sponsor: Governance Consensus Project**
Subject: **State Budget: Performance Measures**
Intro: Would declare that the State budget shall focus on the results of government services at the
2/28/97 State and local levels, that State and local government officials are required to respect
existing program evaluation requirements and program performance measures, and that
outcome measures are to be realistic and commensurate with the revenue levels for each
program. Urgency Measure.
Status: Referred to the Senate Budget and Fiscal Review Committee.

Bill No: **SB 1114 (Solis) Sponsor: Author**
Subject: **Land Use: Development Permits**
Intro: Would require the OPA, in the TCA, to provide information to State and local agencies, as
2/28/97 well as to applicants for development projects, to assist them in meeting the requirements
of CEQA.
Amended: 4/2/97
Status: Sent to the Senate Floor Inactive File on 5/22/97; Joint Rule 56 invoked.

Bill No: **SB 1117 (Hayden) Sponsor: Author**
Subject: **Environmental Quality: Judicial Review: Public Utilities**
Intro: Would express the intent of the Legislature that judicial reviews of decisions by State
2/28/97 agencies, including the PUC, relating to CEQA, conform to the provisions of that act.
Status: Referred to the Senate Rules Committee; Joint Rule 56 invoked.

Bill No: **SB 1157 (Maddy) Sponsor: Department of Conservation**
Subject: **Beverage Containers: Nonprofit Dropoff Programs: Market-Based Recycling**
Intro: Would repeal the California Beverage Container Recycling and Litter Reduction Act as of
2/28/97 January 1, 1999. The bill would enact the California Market-Based Beverage Container
Recycling and Litter Reduction Act and declare the intent of the Legislature in regards to
Amended: 4/17/97 this new act.
Status: Set to be heard before the Senate Natural Resources and Wildlife on 4/22/97; hearing put
over; Joint Rule 56 invoked.

Bill No: **SB 1216 (Costa) Sponsor: California Biomass Energy Alliance**
Subject: **Biomass Energy**
Intro: Would make a statement of legislative intent relating to financial assistance to the biomass
2/28/97 power industry. Urgency Measure.
Amended: 5/28/97
Status: Passed the Senate Revenue and Taxation Committee (6-0) on 5/21/97; referred to the
Senate Appropriations Committee; Joint Rule 56 invoked.

Bill No: **SB 1341 (Costa) Sponsor: Author.**
Subject: **Solid Waste: Local Enforcement Agencies: Appeals**
Intro: Would authorize the CIWMB, on appeal, to overturn an enforcement action by a LEA if the
2/28/97 CIWMB finds, based on substantial evidence, that "inaction" on the part of the LEA was
inconsistent with the Integrated Waste Management Act.
Status: Referred to the Senate Environmental Quality Committee; Joint Rule 56 invoked.

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AB 1513 (Cardoza)	Income and Bank and Corporation Taxes: Credit: Agricultural
AB 2273 (Woods)	Electric Utility Rates: Cost-Shifting: Reports
SB 90 (Sher)	Energy Resources: Renewable Energy Resources: Funding
SB 216 (Brulte)	Public Utilities: Electrical Restructuring
SB 252 (Kelley)	Public Utilities: Electrical Restructuring
SB 1117 (Hayden)	Environmental Quality: Judicial Review: Public Utilities
SB 1305 (Sher)	Public Utilities
SCR 15 (Peace)	Public Utilities: Electrical Restructuring: Public Utilities Commission Reform

Enforcement/Permits

AB 968 (Knox)	Air Pollution: Fine Particles: Monitoring Program
AB 1273 (Woods)	Solid Waste Management
AB 1859 (Ackerman)	Public Works: Insurance and Surety Requirements
AB 2353 (Olberg)	Surety Insurers
SB 647 (Brulte)	Environmental Requirements
SB 1018 (Leslie)	Private Property: Illegal Dumping
SB 1179 (Polanco)	Solid Waste Enterprise: Indemnity Obligation: Diversion Penalty
SB 1330 (Lockyer)	Solid Waste: Farm and Ranch Cleanup and Abatement: Grant Program
SB 1341 (Costa)	Solid Waste: Local Enforcement Agencies: Appeals
SB 1649 (Senate Local Government Committee)	Local Government Omnibus Bill of 1998

Environmental Advertising/Advertising

AB 362 (Bowen)	Environmental Advertising
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Facility Siting

SB 451 (Watson)	Land Use: General Plans Environmental Equity
SB 906 (Lee)	Hazardous Waste Management Plans

Fiscal (Budgets, Fees and Revenues)

AB 107 (Ducheny)	1997-98 Budget
AB 529 (Baldwin)	State Funds
AB 775 (Martinez)	Public Agencies: State Funds
AB 1383 (Aroner)	Private Activity Bonds
AB 1571 (Ducheny)	Budget Act of 1997: Augmentations
AB 1587 (Committee on Budget)	Education Finance (Playground Equipment)
AB 1637 (Aguiar)	Administrative Costs: State Government
AB 1656 (Ducheny)	1998-99 Budget
SB 130 (Thompson)	1997-98 Budget
SB 1093 (Rainey)	State Budget: Performance Measures
SB 1304 (O'Connell)	State Budget: Zero-Based Budgeting
SB 1320 (Sher)	Environmental Protection (Budget Trailer Bill)
SB 1391 (Thompson)	1998-99 Budget
SCA 13 (O'Connell)	State Budget: Zero-Based Budgeting

Government Procurement/Waste Management

AB 84 (Woods)	State Contracts: Recycled Products Preferences
AB 705 (Strom-Martin)	State Recycling
AB 2067 (Cunneen)	Hazardous Waste: State Agency Procurement.
AB 2605 (Bowen)	Accountability and State Procurement Improvement Act
AB 2805 (Assembly Committee on Televising the Assembly and Information Technology)	State Procurement

Hazardous Waste

AB 733 (Washington)	Hazardous Materials: Hazardous and Solid Waste: Public Education
AB 1157 (Wayne)	Hazardous Waste: Variance
AB 1195 (Torlakson)	Hazardous Substances: Liability
AB 2067 (Cunneen)	Hazardous Waste: State Agency Procurement.
AB 2424 (Ackerman)	Hazardous Waste: Treatment
SB 660 (Sher)	Hazardous Waste Management: Hazardous Substance Response Actions: Fees

IWM Planning

AB 2531 (Cardoza)	Solid Waste: Transformation Facilities
SB 878 (Karnette)	Solid Waste: Diversion Requirements: Waste to Energy Credit
SB 1066 (Sher)	Solid Waste: Market Development
SB 1196 (Leslie)	Solid Waste Management: Plan: Countywide Siting Element
SB 2103 (Haynes)	City of West Covina: Water Utility: Successor

Legal Issues

AB 170 (Papan)	Claims Against the State
AB 1409 (Baugh)	Governmental Tort Liability
AB 1912 (Ashburn)	Attorneys' Fees: Prevailing Public Entities
SB 209 (Kopp)	Judicial Review: Governmental Agency Actions
SB 213 (Kopp)	Legal Services: State
SB 261 (Kopp)	Judicial Review: Governmental Agency Actions
SB 504 (Johnston)	Administrative Law: Written Communication

Market Development

SB 1066 (Sher)	Solid Waste: Market Development
AB 2237 (Escutia)	Environmental Protection: Loans and Grants: Environmental Risks Versus Benefits: Selection Criterion

Medical Waste

SB 1034 (Maddy)	Health Facilities and Services: Medical Waste: Trauma Scene Waste Management
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Miscellaneous

AB 2521 (Wayne)	Solid Waste: Research and Development
SB 2 (Thompson)	Parks and Resources Improvement
SB 658 (Sher)	Environmental Protection: Peer Review Processes: Report
SB 1000 (Rosenthal)	Future California Act of 1998

Open Meetings

AB 1097 (Brown)	Open Meetings
SB 95 (Ayala)	Open Meetings
SB 1364 (Ayala)	Open Meetings: State Bodies.

Plastic

AB 2555 (Aroner)	Solid Waste: Plastic Packaging Utilization
SB 698 (Rainey)	Plastic Trash Bags

Public Records

AB 179 (Bowen)	Public Records
AB 1293 (Bowen)	Geographic Information Systems
SB 74 (Kopp)	Records
SB 143 (Kopp)	Records
SB 489 (Alpert)	Public Records: Confidential Information
SB 492 (Rosenthal)	State Agencies and Regulatory Boards: Internet
SB 2119 (Hurt)	Public Records: Internet Access

Regulations

ACA 35 (Goldsmith)	Legislature: Overturning Administrative Records
SB 1047 (Sher)	Environmental Protection: Regulatory Implementation

Solid Waste Facilities

AB 1743 (Runner)	Rim of the Valley Trail Corridor: Boundary Revisions
AB 2644 (Oller)	Solid Waste Enterprise: Liability
AB 2677 (Richter)	Solid Waste Enterprise: Liability
SB 2172 (Sher)	Solid and Hazardous Waste Classification

Special Wastes

AB 117 (Escutia)	Solid Waste: Demolition or Construction Debris
AB 178 (Gallegos)	Vehicles: Automotive Products
AB 847 (Wayne)	Discarded Major Appliances: Materials Requiring Special Handling:
	Hazardous Waste:
AB 1055 (Villaraigosa)	Playground Equipment and Facilities: Grant Program: Safety: Recycled Materials
AB 1799 (Migden)	Unlawful Dumping: Increased Fines
SB 320 (Senate Housing and Land Use Committee)	Housing and Land Use Omnibus Act of 1997

State Agencies, Generally

AB 206 (Hertzberg)	Citizen Complaint Act of 1997
AB 376 (Baca)	Public Contracts
AB 475 (Pringle)	Office of Permit Assistance: Reports
AB 1111 (Martinez)	Bid Announcements: Criteria and Specifications
AB 1170 (Kaloogian)	State Regulatory Agencies Created by Statutes: Review
AB 1497 (Brown)	State Agencies: Leasing Real Property
AB 1664 (Murray)	State Contracts: Participation Goals
AB 2179 (Assembly Legislative Ethics Committee)	State Agencies: Ethics Orientation
AB 2432 (Bowen)	State Buildings: Bids
AB 2480 (Prenter)	Economic Development: Funding Source "Hotline"
AB 2503 (Goldsmith)	State Agencies: Continuation
AB 2625 (Richter)	Training in Government
AB 2814 (Papan)	Political Reform Act of 1974: Conflict of Interest: Public Officials Appointed by the Governor
SB 458 (Peace)	State Agencies: Mail: Disclosure of Personal Information
SB 1273 (Hurtt)	State Agencies: Electronic Mail
SB 1426 (Johannessen)	State Auditor
SB 1386 (Leslie)	State Computer Technology: Information Gathering
SB 1609 (Ayala)	State Forms: Public Access Telephone Number

Tires

AB 228 (Midgen)	Solid Waste: Tires
AB 375 (Firestone)	Solid Waste: Tires: Tire Wholesalers: Tire Recovery Programs
AB 964 (Bowen)	Solid Waste: Tires
AB 2181 (Firestone)	Solid Waste: Tires

Used Oil

SB 988 (Sher)	Solid Waste Management
SB 1175 (Sher)	Oil Recycling
SB 1824 (Calderon)	Used Oil: Recycling

Federal Legislation

House of Representatives

HR 277 (Schumer, D-NY)

Environmental Crimes and Enforcement Act of 1997

Would increase penalties and strengthen enforcement of environmental crimes.

Status: Introduced January 7, 1997; joint referral to the House Committees on Judiciary, Commerce, Agriculture, Resources, and Transportation and Infrastructure.

HR 316 (Solomon, R-NY)

Hazardous Waste Recycling Tax Credit Act of 1997

Would amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous waste.

Status: Introduced January 7, 1997; referred to the House Committee on Ways and Means.

HR 360 (Towns, D-NY)

Waste Export and Import Prohibition Act

Would amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste.

Status: Introduced on January 7, 1997; referred to the House Committee on Commerce.

HR 674 (Delay,)

ISTEA Integrity Restoration Act

Would reauthorize the Intermodal Surface Transportation Efficiency Act (ISTEA) law to authorize funds for construction of highways, and for other purposes.

Status: Introduced on February 11, 1997; referred to House Committee on Transportation and Infrastructure.

HR 688 (Schaefer, Dan, R-CO)

Leaking Underground Storage Tank Trust Fund Amendments Act of 1997

Would amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the leaking underground storage tank trust fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act.

Status: Introduced on February 11, 1997; joint referral to the House Committees on Commerce; and Ways and Means; cleared for full committee by Finance and Hazardous Materials Subcommittee (by voice vote) on 3/20/97; passed the Floor of the House by voice vote on 4/23/97; referred to the Senate Committee on Environment and Public Works.

HR 712 (Delauro, D-CT)

National Infrastructure Development Act of 1997

Would facilitate efficient investments and financing of infrastructure projects, including solid waste facilities, and new job creation through the establishment of a National Infrastructure Development Corporation.

Status: Introduced on February 12, 1997; joint referral to the House Committee on Transportation and Infrastructure; the House Committee on Banking and Financial Services, and the House Committee on Ways and Means.

HR 843 (Ford, D-TN)

Location of Hazardous Waste Near Certain Properties, Prohibition

Would prohibit the location of solid and hazardous waste facilities near residential, day care, church, and school properties.

Status: Introduced on February 26, 1997; referred to the House Committee on Commerce.

HR 873 (Greenwood, R-PA)

Land Recycling Act of 1997

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to limit Federal authority for response action for release subject to State voluntary response program, to provide protection for prospective purchasers of land, and for innocent landowners.

Status: Introduced on February 27, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 942 (Franks, Bob, R-NJ)

Interstate Transportation of Municipal Solid Waste Act of 1997; Municipal Solid Waste Flow Control Act of 1997

Would amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste.

Status: Introduced on March 5, 1997; referred to the House Committee on Commerce.

HR 943 (Franks, Bob, R-NJ)

Municipal Solid Waste Flow Control Act of 1997

Would amend the Solid Waste Disposal Act to provide authority for States to control the movement of municipal solid waste to waste management facilities within the boundaries of the State or within the boundaries of political subdivisions of the State.

Status: Introduced on March 5, 1997; referred to the House Committee on Commerce.

HR 979 (Kennelly, D-CT)

Internal Revenue Code of 1986, Amendment

Would amend the Internal Revenue Code of 1986 to increase the amount of private activity that may be issued in each State, and to index such amount for inflation.

Status: Referred to the House Committee on Ways and Means.

HR 996 (Weller, R-IL)

Internal Revenue Code of 1986, Amendment

Would amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds to finance environmental remediation of contaminated sites.

Status: Introduced on March 6, 1997; referred to the House Committee on Ways and Means.

HR 997 (Weller, R-IL)

Internal Revenue Code of 1986, Amendment

Would amend the Internal Revenue Code of 1986 to allow expensing and rapid amortization of certain environmental remediation expenditures.

Status: Introduced on March 6, 1997; referred to the House Committee on Ways and Means.

HR 1041 (Kennedy, Patrick, D-RI)

Solid Waste Disposal Act, Amendment (Tires)

Would amend the Solid Waste Disposal Act to provide grants to States to stabilize and remove large tire piles that are near drinking water sources and sensitive populations.

Status: Introduced on March 12, 1997; referred to the House Committee on Commerce.

HR 1120 (Dingell, D-MI)

Community Revitalization and Brownfield Cleanup Act of 1997

Would assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes.

Status: Introduced on March 19, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1158 (Frelinghuysen, R-NJ)

Superfund Liability Exemption for Local Educational Agencies Act

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to restrict the liability under that act of local educational agencies for the amount and toxicity of solid waste generated by those agencies.

Status: Introduced on March 20, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1199 (Souder, R-IN)

Common Sense Hazardous Waste Facilities Siting and Permitting Act of 1997

Would protect residents and localities from irresponsibly sited hazardous waste facilities.

Status: Introduced on March 20, 1997; referred to the House Committee on Commerce.

HR 1206 (Visclosky, D-IN)

Program of Voluntary Environmental Cleanups by States, Requirement

Would require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs for low and medium priority sites to protect human health and the environment and promote economic development.

Status: Introduced on March 20, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1270 (Upton, R-MI)

Nuclear Waste Policy Act of 1982, Amendment

Would amend the Nuclear Waste Policy Act of 1982 to provide for the building of an interim high level nuclear waste storage facility at Yucca Mountain, Nevada.

Status: Introduced on April 10, 1997; joint referral to the House Committee on Commerce, the House committee on Resources, and the House Committee on Transportation and Infrastructure; public mark-up held by the House Energy and Power Subcommittee on July 31, 1997; public mark-up held by the House Committee on Commerce on September 18, 1997; report filed by the House Committee on Commerce on October 1, 1997; ordered reported unfavorably by the House Committee on Resources on October 8, 1997; report filed House Committee on Resources on October 21, 1997; received in the Senate, after passage in the House of Representatives and placed on Senate Legislative Calendar on February 23, 1998..

HR 1346 (Gilchrest, R-MD)

State and Local Government Interstate Waste Control Act of 1997

Would amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste, and for other purposes.

Status: Introduced on April 16, 1997; referred to the House Committee on Commerce.

HR 1358 (Buyer, R-IN)

Interstate Transportation of Municipal Solid Waste Act of 1997

Would amend the Solid Waste Disposal Act to permit a Governor to limit the disposal of out-of-State solid waste in the Governor's State, and for other purposes.

Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1359 (Defazio, D-OR)

Public Utility Regulatory Policies Act of 1978, Amendment

Would amend the Public Utilities Regulatory Policies Act of 1978 to establish a means to support programs for electric energy conservation and energy efficiency, renewable energy, and universal and affordable service for electric consumers. Would define "renewable energy" as electricity generated from nontoxic organic waste, biomass, dedicated energy crops, landfill gas, geothermal, solar, tidal and wind resources, except that such term does not include electricity generated from the incineration of municipal solid waste.

Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1392 (Regula, R-OH)

Brownfields Reuse and Real Estate Development Act

Would require the administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 regarding the liability of landowners and prospective purchasers.

Status: Introduced on April 17, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1393 (Rivers, D-MI)

Toxic Substances Control Act, Amendment

Would amend the Toxic Substances Control Act to establish certain requirements regarding the approval of facilities for the disposal of polychlorinated biphenyls, and for other purposes.

Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1395 (Rothman, D-NJ)

Brownfields and Environmental Cleanup Act of 1997

Would assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

Status: Introduced on April 17, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1462 (Visclosky, D-IN)

Pilot Program for Revolving Loans for Cleanup of Brownfield Sites, Establishment

Would authorize the Administrator of the Environmental Protection Agency to establish a pilot project providing loans to States to establish revolving loans for the environmental cleanup of brownfield sites in distressed areas that have the potential to attract private investment and create local employment.

Status: Introduced on April 24, 1997; referred to the House Committee on Commerce.

HR 1506 (Velazquez, D-NY)

Community Environmental Equity Act

Would amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances.

Status: Introduced on April 30, 1997; referred to the House Committee on Commerce.

HR 1576 (Stark, D-CA)

Continuation of Operations of the California Urban Environmental Research and Education Center, Provision

Would provide for the continuation of the operations of the California Urban Environmental Research and Education Center.

Status: Introduced on May 8, 1997; joint referral to the House Committee on Education and the Workforce and the House Committee on Science.

HR 1586 (Rivers, D-MI)

National Beverage Container Reuse and Recycling Act of 1997

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

Status: Introduced on May 13, 1997; referred to House Committee on Commerce.

HR 1609 (Molinari, R-NY)

ISTEA Reauthorization Act of 1997; Federal Transit Act of 1997

Would reauthorize the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes.

Status: Introduced on May 14, 1997; joint referral to House Committee on Transportation and Infrastructure and House Committee on Ways and Means.

HR 1697 (Rivers, D-MI)

Impact of NAFTA on Job Loss and the Environment, Assessment

Would assess the impact of the North American Free-Trade Agreement on domestic job loss and the environment, and for other purposes.

Status: Introduced on May 21, 1997; referred to the House Committee on Ways and Means.

HR 1839 (White, R-WA)

National Requirements for Titling of Salvage, Nonrepairable, and Rebuilt Vehicles, Establishment

Would establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles. Describes responsibilities of professional automotive recyclers or professional scrap processors.

Status: Introduced on June 10, 1997; joint-referral to the House Committee on Commerce and the House Committee on the Judiciary; public hearing held by Telecommunications, Trade and Consumer Protection Subcommittee on June 26, 1997; cleared for full committee, as amended, by the Telecommunications, Trade and Consumer Protection Subcommittee; report filed by the House Committee on Commerce, discharged from the House Committee on the Judiciary and placed on the House Union Calendar on September 30, 1997; received in the Senate, after passage in the House; referred to the Senate Committee on Commerce, Science, and Transportation.

HR 1960 (Markey, D-MA)

Electric Power Competition and Consumer Choice Act of 1977

Would modernize the Public Utility Holding Company Act of 1935, the Federal Power Act, the Fair Packaging and Labeling Act, and the Public Utility Regulatory Policies Act of 1978 to promote competition in the electric power industry. Would provide for electric industry restructuring; would establish pollution standards and a renewable energy credit trading system, and create a safety net for low-income consumers.

Status: Introduced on June 19, 1997; referred to the House Committee on Commerce; public hearing held by House Energy and Power Subcommittee on October 21 and 22, 1997.

HR 2102 (Talent, R-MO)

Hazardous and Solid Waste Amendments of 1984, Amendment

Would amend the Hazardous and Solid Waste Amendments of 1984 to repeal the sunset of the Environmental Protection Agency Office of Ombudsman, and for other purposes.

Status: Introduced on June 26, 1997; referred to the House Committee on Commerce.

HR 2400 (Shuster, R-PA)

Building Efficient Surface Transportation and Equity Act of 1998; Recreational Boating Safety Improvement Act of 1998; Surface Transportation Revenue Act of 1998.

Would authorize fund for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. Among other things, would provide funding for a University of New Hampshire recycled materials research program that would study asphalt pavement containing tire-derived carbonous asphalt modifiers.

Status: Introduced on September 4, 1997; referred to House Committee on Transportation and Infrastructure; mark-up adjourned by House Committee on Transportation and Infrastructure on September 24, 1997; reported by House Committee on Transportation and Infrastructure on March 27, 1998 (House Report No. 105-4); passed to the Senate (337-80) on April 1, 1998; sent to conference committee on April 2, 1998; S 1173 (Warner, R-VAS) incorporated into HR 2400 (Shuster, R-PA) on April 2, 1998.

HR 2451 (Moran, Jim, D-VA)

Protection of Children from Certain Environmental Pollutants, Provision

Would protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

Status: Introduced on September 10, 1997; referred to the House Committee on Commerce.

HR 2485 (Stupak, D-MI)

Common Sense Superfund Liability Relief Act of 1997

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief for small parties, innocent landowners, and prospective purchasers.

Status: Introduced on September 16, 1997; joint-referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 2516 (Bond, Kit, R-MO)

Intermodal Surface Transportation Efficiency Act of 1991, Extension

Would extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998. The bill would "advance" states highway and transit money only until a six-year ISTEA reauthorization bill is cleared.

Status: Introduced on September 23, 1997; referred to House Committee on Transportation and Infrastructure; report filed by House Committee on Transportation and Infrastructure (H. Rept. 105-270) on September 25, 1997; Passed the House and referred to the U.S. Senate on October 1, 1997.

HR 2654 (Greenwood, R-PA)

Solid Waste Disposal Act, Amendment

Would amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries.

Status: Introduced on October 9, 1997; referred to the House Committee on Commerce.

HR 2727 (Boehlert, R-NY)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize and reform the Superfund program, and for other purposes. Under the bill, generators and transporters of municipal solid waste would be exempted from Superfund's liability scheme. Further, municipal owners and operators of codisposal sites would receive a liability cap of 10 percent for municipalities with populations under 10,000 and 20 percent for those with over 100,000 people.

Status: Introduced on October 23, 1997; joint referral to House Committees on Commerce, Transportation and Infrastructure, and Ways and Means; public mark-up held, and cleared for full committee by the Water Resources and Environment Subcommittee on March 11, 1998.

HR 2733 (Tauzin, R-LA)

Superfund Recycling Equity Act

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

Status: Introduced on October 24, 1997; joint referral to House Committees on Commerce and Transportation and Infrastructure.

HR 2750 (Barcia, D-MI)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment

Would amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

Status: Introduced on October 28, 1997; joint referral to House Committees on Commerce and Transportation and Infrastructure.

HR 2910 (Pallone, D-NJ)

Reduction of Risk of Mercury Pollution, Provision

Would reduce the risk of mercury pollution through use reduction, increased recycling, and reduction of emissions into the environment, and for other purposes.

Status: Introduced on November 7, 1997; joint referral to House Committees on Commerce and Agriculture.

HR 2980 (Allen, D-ME)

National Beverage Container Recycling Initiative Act

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

Status: Introduced on November 9, 1997; referred to House Committee on Commerce.

HR 3000 (Oxley, R-OH)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment

Would exempt any generator or transporter who contributed only municipal solid waste to one of Superfund's National Priority List (NPL) sites; any generators or transporters who contributed small amounts of waste, to an NPL site; and any generator or transporter of waste whose wastes did not contribute significantly--which would be determined by the mobility, toxicity and amount of waste--to the cleanup costs at the site. The bill also would provide exemptions or liability limitations to any person or party that inherited contaminated land, tax-exempt organizations, certain railroad spur owners and certain construction contractors.

Status: Introduced on November 10, 1997; joint referral to House Committees on Commerce, Transportation and Infrastructure, and Ways and Means; public hearing held by the Finance and Hazardous Materials Subcommittee on March 5, 1998 and March 26, 1998

HR 3042 (Kolbe, R-AZ)

Environmental Policy and Conflict Resolution Act of 1997

Would amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

Status: Introduced on November 13, 1997; passed the House (voice vote) and referred to the Senate on January 28, 1998; passed the Senate by unanimous consent on January 29, 1998; sent to the President on February 4, 1998; signed by the President and became law on February 11, 1998--
Public Law No. 105-156.

HR 3044 (Minge, D-MN)

Distorting Subsidies Limitation Act of 1997

Would amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business and for other purposes. Solid waste disposal facilities would be included under this Act.

Status: Introduced on November 13, 1997; referred to House Committee on Ways and Means.

HR 3065 (Lofgren, D-CA)

New Environmental Monitoring Technologies, Provisions

Would direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies.

Status: Introduced on November 13, 1997; joint referral to House Committees on Science, Commerce, and Transportation and Infrastructure.

HR 3180 (Dooley, D-CA)

Innovate Strategies for Achieving Superior Environmental Performance, Provision

Would provide for innovative strategies for achieving superior environmental performance, and for other purposes.

Status: Introduced on February 11, 1998; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 3262 (Pallone, D-NJ)

Children's Protection and Community Cleanup Act of 1998.

Would reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Status: Introduced on February 25, 1998; Joint referral to the House Committee on Transportation and Infrastructure, the House Committee on Ways and Means, and the House Committee on Commerce.

HR 3548 (Andrews, D-NJ)

Environmental Priorities Fund, Establishment

Would establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes.

Status: Introduced on March 25, 1998; joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

HR 3595 (Manton, D-NY)

Comprehensive Environmental Response

Would reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Status: Introduced on March 30, 1998; joint referral to the House Committee on Commerce; the House Committee on Ways and Means; and the House Committee on Transportation and Infrastructure.

HR 3627 (Rush, D-IL)

Brownfield Community Empowerment Act

Would assist local governments and local citizens' organizations in the assessment and remediation of brownfield sites, and for other purposes.

Status: Introduced on April 1, 1998; joint referral to the House Committee on Commerce; the House Committee on Transportation and Infrastructure; the House Committee on Ways and Means; and the House Committee on Banking and Financial Services.

H. Resolution 119 (Farr, D-CA)

Resolution Requiring Implementation of the Office Waste Recycling Program in the House of Representatives

Would provide for the mandatory implementation of the Office Waste Recycling Program in the House of Representatives.

Status: Introduce on April 16, 1997; referred to the House Committee on House Oversight.

H. Resolution 251 (Farr, D-CA)

Resolution Expressing Support for America Recycles Day

Would express support for the goals of America Recycles Day.

Status: Introduced on September 29, 1997; referred to the House Committee on Commerce.

U.S. Senate

S 8 (Smith, Robert C., R-NH)

Superfund Cleanup Acceleration Act of 1997

Would reauthorize and amend the Comprehensive Environmental Response Liability, and Compensation Act of 1980. The bill would streamline cleanups, delegate authority to states and exempt all generators and transporters at co-disposal landfills, or those that mainly receive municipal solid waste and sewage sludge, for conduct prior to January 1, 1997.

Status: Introduced on January 21, 1997; public hearing held by the Senate Committee on Environment and Public Works on March 4 and 5, 1997; public-mark-up recessed by the Senate Committee on Environment and Public Works on March 24, 25, and 26, 1998.

S 18 (Lautenberg, D-NJ)

Brownfields and Environmental Cleanup Act of 1997

Would assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs. The bill would authorize \$10 million in grants for states and local governments to inventory and assess brownfield sites. Additionally, it would authorize \$15 million in grants for states to establish and capitalize low interest loan programs to clean up the sites and would limit the potential liability of innocent buyers of brownfields.

Status: Introduced on January 21, 1997; referred to the Senate Committee on Environment and Public Works.

S 104 (Murkowski, R-AK)

Nuclear Waste

Among other things, would establish Yucca Mountain as the site for an interim storage facility and would require EPA to issue standards to protect the public from radioactive leaks from a permanent nuclear waste repository.

Status: Introduced on January 21, 1997; public hearing held in Senate Committee on Energy and Natural Resources on February 5, 1997; reported out of the Senate Committee on Energy and Natural Resources on March 14, 1997; unanimous consent agreement for consideration of the measure on the Senate Floor on April 9, 1997; passed the Senate Floor with of vote of 65-34 and referred to the House Of Representatives on April 15, 1997; resolution (H. Res. 379) passed related to this measure on March 5, 1998

S 215 (Jeffords, R-VT)

National Beverage Container Reuse and Recycling Act of 1997

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers to provide resources for State pollution prevention and recycling programs.

Status: Introduced on January 28, 1997; referred to the Senate Committee on Commerce, Science, and Transportation.

S 237 (Bumpers, D-AR)

Electric Consumers Protection Act of 1997

Would provide for retail competition by December 15, 2000, among electric energy suppliers for the benefit and protection of consumers. Would define "renewable energy" as electricity generated from solar, wind, waste, except municipal waste, biomass, hydroelectric or geothermal resources.

Status: Introduced on January 30, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 297 (Bryan, D-NV)

Nuclear Waste Independent Review Act

Would establish a presidential commission on nuclear waste.

Status: Introduced on February 11, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 384 (Conrad, D-ND)

Solid Waste Disposal Act, Amendment

Would amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside the State.

Status: Introduced on February 28, 1997; referred to the Senate Committee on Environment and Public Works.

S 399 (McCain, R-AZ)

Environmental Policy and Conflict Resolution Act of 1997

Would amend the Morris K. Udall Scholarship and Excellence in the National Environmental and Native American Public Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

Status: Introduced on March 5, 1997; referred to the Senate Committee on Environment and Public Works; report filed by the Senate Committee on Environment and Public Works on July 31, 1997; passed as amended on the Senate Floor (unanimous consent); received in the House, after passage in the Senate on October 21, 1997.

S 443 (Baucus, D-MT)

State and Local Government Interstate Waste Control Act of 1997

Would amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste.

Status: Introduced on March 14, 1997; referred to the Senate Committee on Environment and Public Works.

S 444 (Chafee, R-RI)

Internal Revenue Code of 1986, Amendment (Tires)

Would amend the Internal Revenue Code to impose a tax on the manufacture and importation of tires. Would create the Waste Tire Recycling, Abatement, and Disposal Trust Fund to be made available for recycling, abatement and cleanup of waste tire piles.

Status: Introduced on March 14, 1997; referred to the Senate Committee on Finance.

S 445 (Chafee, R-RI)

Waste Tire Recycling, Abatement, and Disposal Act of 1997

Would amend the Solid Waste Disposal Act to encourage recycling of waste tires and to ablate tire dumps and tire stockpiles.

Status: Introduced on March 14, 1997; referred to the Senate Committee on Environment and Public Works.

S 448 (Robb, D-VA)

Local Government Interstate Waste Control Act

Would amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste.

Status: Introduced on March 17, 1997; referred to the Senate Committee on Environment and Public Works.

S 463 (Coats, R-IN)

Interstate Transportation of Municipal Solid Waste Act of 1997

Would amend the Solid Waste Disposal Act to permit a Governor to limit the disposal of out-of-State solid waste in the Governor's State.

Status: Introduced on March 18, 1997; referred to the Senate Committee on Environment and Public Works.

S 599 (Boxer, D-CA)

Children's Environmental Protection Act

Would protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

Status: Introduced on April 16, 1997; referred to the Senate Committee on Environment and Public Works.

S 687 (Jeffords, R-VT)

Electric System Public Benefits Protection Act of 1997

Would enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, energy conservation and efficiency, and for other purposes. "Renewable energy" means electricity generated from wind, organic waste (excluding incinerated municipal solid waste), or biomass or geothermal, solar thermal, or photovoltaic source.

Status: Introduced on May 1, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 899 (Dodd, D-CT)

Municipal Solid Waste Disposal Act of 1997

Would amend the Solid Waste Disposal Act to provide for flow control of municipal solid waste.

Status: Introduced on June 12, 1997; referred to the Senate Committee on Environmental and Public Works.

S 951 (Torricelli, D-NJ)

Quiet Communities Act of 1997

Would reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

Status: Introduced on June 24, 1997; referred to the Senate Committee on Environment and Public Works.

S 964 (Murkowski, R-AK)

Property Conveyance in the State of California

Would transfer land in Ward Valley, California, to the State of California, to build a low level nuclear waste dump.

Status: Introduced on June 26, 1997; referred to the Senate Committee on Energy and Natural Resources; public hearing held by the Senate Committee on Energy and Natural Resources on July 22, 1997.

S 1173 (Warner, R-VA)

Intermodal Transportation Act of 1997; Surface Transportation Act of 1997; Transportation Infrastructure Finance and Innovation Act of 1997; Intelligent Transportation Systems Act of 1997

Would authorize funds for surface transportation, construction of highway safety programs and for mass transit programs for six years.

Status: Introduced on September 12, 1997; referred to Senate Committee on Transportation and Infrastructure; Senate Committee on Environment and Public Works; Senate Committee on Commerce, Science, and Transportation; considered on the Senate Floor on October 28, 1997; failed passage because it did not reach the necessary 3/5 majority vote (52-48); placed on Senate Legislative Calendar on October 29, 1997; DEBATED ON THE Senate Floor March 2 through March 12, 1998; full text of measure printed in "Congressional Record" (CR Page S-2002); incorporated into HR 2400.

S 1176 (Thomas, R-WY)

State and Local Government Participation Act of 1997

Would guarantee that Federal agencies identify State agencies and counties as cooperating agencies when fulfilling their environmental planning responsibilities under the National Environmental Policy Act.

Status: Introduced on September 15, 1997; referred to the Senate Committee on Environment and Public Works.

S 1317 (Lautenberg, D-NJ)

Environmental Health Protection Act of 1997

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites.

Status: Introduced on October 24, 1997; referred to Senate Committee on Environment and Public Works.

S 1332 (Enzi, R-WY)

State Environmental Audit Protection Act

Would amend Title 28, United States Code, to recognize and protect State efforts to improve environmental mitigation and compliance through the promotion of voluntary environmental audits, including limited protection from discovery and limited protection from penalties.

Status: Introduced on October 29, 1997; referred to Senate Committee on Environmental and Public Works; hearings adjourned by Senate Committee on Environmental and Public Works on October 30, 1997.

S 1348 (Lieberman, D-CT)

Innovated Environmental Strategies Act of 1997

Would provide for innovative strategies for achieving superior environmental performance.

Status: Introduced on October 30, 1997; referred to Senate Committee on Environment and Public Works.

S 1401 (Bumpers, D-AR)

Transition to Electric Competition Act of 1997

Would provide for the transition to competition among electric energy suppliers for the benefit and protection of consumers, and for other purposes.

Status: Introduced on November 7, 1997; referred to Senate Committee on Energy and Natural Resources.

S 1497 (Lautenberg, D-NJ)

Equity and Public Involvement in Superfund Act of 1997

Would release contributors of ordinary trash in minor amounts of hazardous substances from litigation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

Status: Introduced on November 9, 1997; referred to Senate Committee on Environment and Public Works.

S 1915 (Leahy, D-VT)

Omnibus Mercury Emissions Reduction Act of 1998

Would amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes.

Status: Introduced on April 2, 1998; referred to the Senate Committee on Environment and Public Works.

S RES. 116 (Levin, Carl, D-MI)

Resolution Designating "America Recycles Day"

Would designate November 15, 1997, and November 15, 1998, as "America Recycles Day."

Status: Introduced on July 31, 1997; referred to the Senate Committee on Judiciary.

SCR 49 (Levin, Carl, D-MI)

Resolution Authorizing Use of the Capitol Grounds for "America Recycles Day"

Resolution Authorizing Use of the Capitol Grounds for "America Recycles Day"

Would authorize use of the Capitol Grounds for America Recycles Day national kick-off campaign.

Status: Introduced on July 31, 1997; joint referral to the Senate Committee on Governmental Affairs and the Senate Committee on Rules and Administration.

SCR 86 (Domenici, R, NM)

Resolution Setting Forth the Congressional Budget for Fiscal Years 1999-2003

Would set forth the Congressional budget for the U. S. Government for the fiscal years 1999, 2000, 2001, 2002, and 2003 and would revise the concurrent resolution on the budget for fiscal year 1998. The resolution has a separate environmental allocation increase allocations only for legislation that reauthorizes and reforms the Superfund program to facilitate the cleanup of hazardous waste sites if such legislation will not increase the deficit or reduce the surplus for other programs.

Status: Introduced on March 20, 1998.

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